

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS  
HELD SEPTEMBER 7, 1999 AT 2:30 P.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**     Mr. Larry L. Weeks, Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;  
                         Mr. David C. Mangum; Mr. G. Robert Lee, County Administrator; Mr. Paul S.  
                         McCulla, County Attorney

**A B S E N T**     Mr. Joe Winkelmann, Vice Chairman

**BRIEFING ON PROPOSED AMENDMENTS TO THE FAUQUIER COUNTY  
COMPREHENSIVE PLAN, ZONING ORDINANCE, AND SUBDIVISION ORDINANCE IN  
RESPONSE TO HOUSE BILL 2324 AND AMENDMENTS TO ARTICLES 3 AND 11 OF THE  
ZONING ORDINANCE REGARDING TELECOMMUNICATIONS TOWERS AND  
ANTENNAS**

Harry Atherton, Chairman of the Planning Commission, briefed the Board of Supervisors on proposed amendments to the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance in response to House Bill 2324 and the amendments to Articles 3 and 11 of the Zoning Ordinance regarding telecommunications towers and antennas.

**NEW BALTIMORE SEWER PROJECT**

Mr. Weeks conducted a work session on the coordinated sewer-water plan for the New Baltimore Service District.

**EXECUTIVE SESSION**

Mr. Mangum moved to go into executive session pursuant to Virginia Code Section 2.1-344 (A)(7) for consultation with legal counsel. Mr. Burton seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes:***                      ***Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum***

***Nays:***                      ***None***

***Absent During Vote:*** ***Mr. Joe Winkelmann***

***Abstention:***              ***None***

Upon reconvening from executive session, Mr. Mangum moved to adopt the following certification. Mr. Burton seconded.

## CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 7<sup>th</sup> day of September 1999, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum

Nays: None

Absent During Vote: None

Absent During Meeting: Mr. Joe Winkelmann

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

## ADOPTION OF THE AGENDA

Mr. Green moved to adopt the Agenda subject to deleting A Resolution to Appropriate the FY 1999 School Division Carryover to Offset Costs of Future School Related Construction from the Consent Agenda and adding to the Consent Agenda A Resolution Authorizing the Chairman to Send a Letter to the Fauquier County School Board Giving Notice of the Cancellation of the Revised Consolidated Services Agreement as of June 30, 2000 and A Resolution to Approve Funding and Implementation of a System-Wide Compensation and Classification Plan Review. Mr. Burton seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes:***                      ***Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum***

***Nays:***                      ***None***

***Absent During Vote:*** ***Mr. Joe Winkelmann***

***Abstention:***            ***None***

## CITIZENS TIME

- Teresa Harvey spoke in opposition to closing the fire and rescue services at Vint Hill.
- Jim Stone suggested the Board of Supervisors request Virginia Power to donate open space easements on all the property not being used for the proposed plant.
- Todd Goins asked the Board of Supervisors to deny another special exception for Virginia Power.
- Jan Barbano expressed her disappointment at the public meeting held regarding the Virginia Power plant because she did not receive any new information and her questions were not answered.
- Virginia Dorkey asked the Board of Supervisors to schedule a work session regarding the proposed Virginia Power plant.

## CONSENT AGENDA

Mr. Green moved to adopt the following Consent Agenda items. Mr. Mangum seconded, and the vote for the motion was 4 to 0 as follows:

**Ayes:** *Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum*

**Nays:** *None*

**Absent During Vote:** *Mr. Joe Winkelmann*

*Abstention:               None*

Approval of the Minutes of the June 7, 1999 Regular Meeting and the June 17, 1999 Adjourned Meeting

FY 1999 and FY 2000 Budget Transfers and Supplemental Appropriations in the Amount of \$137,557

## RESOLUTION

### A RESOLUTION TO TRANSFER AND APPROPRIATE FUNDS IN THE AMOUNT OF \$137,557

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the Sheriff's Office has requested the appropriation of \$4,449 Share of Forfeiture Proceeds from State funding, \$400 Motor Vehicle Mini Grant, \$3,722 Share of Forfeiture

Proceeds – DEA Group 33 and \$4,002 DEA Group 33 Overtime Reimbursement from Federal revenue; and

WHEREAS, the Public Library requested the appropriation of \$38,484 from State funds for support of a computer operating system, books and supplies; and

WHEREAS, the Department of Social Services requested appropriation for the Family Preservation and Support Grant for \$31,500 from State funding and Welfare to Work Grant – One Stop Shop for \$50,000 from Culpeper County the Fiscal Agent; and

WHEREAS, the Clerk of the Circuit Court requested appropriation of the \$5,000 from Loudoun County for a part time temporary Law Clerk; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September 1999, That the sum of \$137,557 be carried over, transferred or appropriated, and hereby approved as follows:

FROM			TO		
Source	Code	Amount	Department	Code	Amount
FY1999					
Federal Funds	3-100-189900-0050	\$400	Sheriff's Office	4-100-31200-6031	\$400
State Funds	3-100-244100-0150	\$4,449	Sheriff's Office	4-100-31240-8201	\$4,449
Federal Funds	3-100-331000-0040	\$2,404	Sheriff's Office	4-100-31230-8201	\$2,404
Federal Funds	3-100-331000-0040	\$1,318	Sheriff's Office	4-100-31230-8201	\$1,318

Federal Funds	3-100-331000-0040	\$1,912	Sheriff's Office	4-100-31230-1201	\$1,912
Federal Funds	3-100-331000-0040	\$2,090	Sheriff's Office	4-100-31230-1201	\$2,090
FY 2000					
State Funds	3-100-244600-0009	\$38,484	Library	4-100-73100-8212	\$34,438
				4-100-73100-6012	\$4,046
State Funds	3-100-241000-0070	\$31,500	Social Services	4-100-53160-1302	\$20,000
				4-100-53160-2100	\$1,530
				4-100-53160-5540	\$2,970
				4-100-53160-6001	\$2,000
				4-100-53160-3161	\$5,000
State Funds	3-100-241000-0040	\$50,000	Social Services	4-100-53165-1302	\$32,000
				4-100-53165-2100	\$2,448
				4-100-53165-5420	\$15,552
Loudoun County	3-100-192000-1400	\$5,000	Clerk of the Circuit Court	4-100-21100-1302	\$4,618
				4-100-21100-2100	\$382
TOTAL		<u>\$137,557</u>			<u>\$137,557</u>

A Resolution to Authorize a Public Hearing to Consider Proposed Amendments to Article I., Section 13-1 of the Fauquier County Code to Add Roads on Vint Hill Farms Station to Designated Highways of Fauquier County for Purposes of Law Enforcement



## RESOLUTION

### A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ARTICLE I, SECTION 13-1. OF THE CODE OF FAUQUIER COUNTY TO ADD THE ROADS ON VINT HILL FARMS STATION TO THE COUNTY DESIGNATED HIGHWAYS FOR LAW ENFORCEMENT PURPOSES

WHEREAS, on September 17, 1999 the title to the property currently known as the Vint Hill Farms Station will transfer from the Army to the Vint Hill Economic Development Authority (VHEDA); and

WHEREAS, the roads on the Vint Hill Farms Station are likewise being transferred to the VHEDA; and

WHEREAS, these roads are not being accepted into the State system and are therefore considered private roads for purposes of law enforcement; and

WHEREAS, the designation of private road greatly restricts the Sheriff's Office in its ability to issue tickets for traffic violations; and

WHEREAS, the Board of Supervisors has the authority to include the roads on Vint Hill Farms Station in its designated highway system which will provide the Sheriff with full law enforcement authority at Vint Hill Farms Station; and

WHEREAS, the Sheriff supports the amendment to the Code of Fauquier County; and

WHEREAS, the Board of Supervisors wishes to receive citizen comment on the proposed ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on a proposed ordinance amendment to Article I, Section 13-1. of the Code of Fauquier, which will add the roads on Vint Hill Farms Station to the County's designated highway system for law enforcement purposes, a copy of which proposed amendment is attached hereto.

A Resolution to Authorize a Public Hearing on Proposed Amendments to Section 12-13 of the Fauquier County Code Raising the Exemption from Business License Fees from \$10,000 to \$100,000 in Gross Receipts and to Add Section 12-7(n) Prohibiting the Issuance of a Business License Until all Delinquent Business License Personal Property and Severance Taxes Have Been Paid

## RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR  
TO SCHEDULE A PUBLIC HEARING ON A PROPOSED  
ORDINANCE ADDING SECTION 12-7(n) REQUIRING PAYMENT OF  
CERTAIN DELINQUENT TAXES PRIOR TO ISSUANCE OF A  
BUSINESS LICENSE AND AMENDING SECTION 12-13 OF THE  
CODE OF FAUQUIER COUNTY TO RAISE THE EXEMPTION FROM  
BUSINESS LICENSE FEES FROM \$10,000 TO \$100,000 IN GROSS RECEIPTS

WHEREAS, Virginia Code §58.1-3700 provides that a County may require that a business license not be issued unless certain delinquent taxes have been paid; and

WHEREAS, Virginia Code Section 58.1-3703.1 provides that the governing body of any county with a population greater than 50,000 may waive the license requirements for businesses with gross receipts less than \$100,000; and

WHEREAS, the Board of Supervisors wishes to receive citizen comment on a proposed Ordinance amending the County Code to prohibit the issuance of a business license until certain delinquent taxes have been paid and to exempt from business license fees those businesses with annual gross receipts of less than \$100,000; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 7<sup>th</sup> day of September 1999, That the County Administrator be, and is hereby, directed to schedule a public hearing on proposed amendments to Section 12-13(b) and Section 12-7(n) of the Fauquier County Code.

A Resolution to Authorize a Public Hearing to Receive Public Comment on the Request of Bell Atlantic – Virginia for a Utility Easement Over the Keith Street Property

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ADVERTISE A PUBLIC HEARING TO RECEIVE PUBLIC

COMMENT ON THE REQUEST OF BELL ATLANTIC – VIRGINIA

FOR A UTILITY EASEMENT OVER THE KEITH STREET PROPERTY

WHEREAS, the Fauquier County Board of Supervisors owns property on Keith Street, known as the Keith Street Property; and

WHEREAS, the Fauquier County Board of Supervisors did deed to the Fauquier Family Shelter, Inc., a portion of the Keith Street Property; and

WHEREAS, a necessary element is the provision of telephone services; and

WHEREAS, Bell Atlantic - Virginia will provide telephone service but requires an easement over County property to accommodate the service; and

WHEREAS, Section 15.1-262 of the Code of Virginia requires the Board of Supervisors to conduct a public hearing before public property can be conveyed for this purpose; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September, 1999, That the County Administrator be, and is hereby, authorized to advertise a public hearing for this purpose on October 4, 1999, at 7:30 p.m., in the Board of Supervisors Meeting Room, Warren

Green Building, Warrenton, Virginia.

A Resolution to Authorize a Public Hearing on a Boundary Adjustment Agreement for the Chester Gap Area

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY  
ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING  
TO RECEIVE PUBLIC COMMENT ON THE BOUNDARY  
ADJUSTMENT AGREEMENT FOR THE CHESTER GAP AREA

WHEREAS, Fauquier, Rappahannock and Warren Counties desire to establish, relocate or change a portion of the boundary line between them in order to resolve the uncertainty which now exists as to the location of the boundary in and near the village of Chester Gap, where all three counties have a common boundary corner; and

WHEREAS, the new boundary will not divide any parcel, but will follow the existing parcel boundary lines; and

WHEREAS, the Rappahannock County Attorney prepared a proposed boundary adjustment agreement to be effective December 31, 1999; and

WHEREAS, the Fauquier County Board of Supervisors wishes to consider the adoption of the agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the County Administrator be, and is hereby directed to schedule a public hearing to receive citizen comments on the proposed boundary agreement.

A Resolution to Refer to the Planning Commission Certain Parcels for Consideration of Amendment of the Fauquier County Comprehensive Plan to Plan Those Parcels Consistent with Their Present Zoning in the Warrenton Service District

RESOLUTION

A RESOLUTION TO REFER TO THE PLANNING COMMISSION  
CERTAIN PARCELS FOR CONSIDERATION OF AMENDMENT  
OF THE FAUQUIER COUNTY COMPREHENSIVE PLAN TO  
PLAN THOSE PARCELS CONSISTENT WITH THEIR PRESENT ZONING

WHEREAS, the Board of Supervisors of Fauquier County has received a request from the Town of Warrenton that certain hereinafter described parcels be boundary adjusted into the Town of Warrenton; and

WHEREAS, prior to considering the boundary adjustment request, the Board of Supervisors wishes to consider amendments to its Comprehensive Plan of the hereinafter described parcels consistent with their present zoning; now, therefore, be it

RESOLVED this 7th day of September, 1999 by the Board of Supervisors of Fauquier County, That the Board of Supervisors does hereby forward to the Planning Commission whether the Comprehensive Plan should be amended to plan the hereinafter described parcels consistent with their present zoning:

Property Identification – County Portions Only

Property(s)	Parcel Identification Number	Approx. Acreage

Kelly-Niess	6985-61-4023	15.50
Wal-Mart	6983-57-7787	18.62
Benner (Multiple Owners)	6984-98-0388	91.86
	6984-96-1546	54.49
	6984-85-3809	10.45
<i>portion of parcel</i>	6994-15-4573	101.26
	6984-95-2640	2.00
	6984-85-6236	.67
	6984-85-5042	1.98
	6984-85-6152	.58
	6984-84-4741	5.75
	6984-84-6403	1.78
	6984-85-4111	.62
	6984-95-2223	16.80
	6984-85-7491	.23
	6984-85-8271	.24
	6984-85-9009	.23
	6984-85-9012	.26
	6984-85-8258	.24
	6984-84-4223	2.98
	6984-84-3085	.98
	6984-83-2993	.93
	6984-83-4176	9.81
	6984-93-2775	78.00
	6984-92-6454	27.73
	6984-91-7890	1.33
	6984-91-7652	.82
	6984-91-9620	.89
	6994-03-2688	5.81
	6994-02-1258	2.00
	6994-01-0995	2.24
	6994-16-2918	4.59
	6994-07-8072	.15
	6994-07-8168	.62
	6994-06-4991	3.21
	6984-85-8334	.24
Subtotal - Benner		431.77
Springer/Sandridge	6985-12-6257	5.7
Butler/Nash	6984-00-4336 / 6984-00-8853	40.21
Total – All Parcels		511.80

and, be it

RESOLVED FURTHER, That the Board of Supervisors directs the County Administrator, upon final action by the Board of Supervisors on the issues related to the comprehensive planning of the aforesaid parcels, to schedule a public hearing to receive citizen comment upon the proposed boundary adjustment agreement to adjust the aforesaid parcels into the Town of Warrenton.

A Resolution to Ratify the Agreement of Purchase and Sale to Acquire 36.9498 Acres of Land Titled in the Name of Ross Industrial Development, Inc., for Purposes of Expansion of the Warrenton-Fauquier Airport

## RESOLUTION

A RESOLUTION RATIFYING THE AGREEMENT OF PURCHASE AND SALE TO ACQUIRE  
36.9498 ACRES OF LAND TITLED IN THE NAME OF ROSS

INDUSTRIAL DEVELOPMENT, INC., FOR PURPOSES OF EXPANSION OF

THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Fauquier County Board of Supervisors, by resolution adopted in meeting assembled 2 August 1999, did authorize the County Administrator to negotiate for the purchase of 36.9498 acres of land, more or less, situate in Cedar Run Magisterial District, Fauquier County, Virginia, further identified as a portion of Fauquier County Parcel Identification Number 7900-70-6663, titled in the name of Ross Industrial Development, Inc., a Virginia Corporation; and

WHEREAS, Ross Industrial Development, Inc., a Virginia Corporation, has offered to sell the aforesaid 36.9498 acre parcel to the Fauquier County Board of Supervisors for the sum of \$646,650.00; and

WHEREAS, by the adoption of the resolution, the Board of Supervisors determines it to be in the best interest of the citizens of the County of Fauquier to purchase the aforesaid 36.9498 acre parcel for the sum of \$646,650.00; now therefore, be it



RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the Agreement of Purchase and Sale dated August 16, 1999, between Fauquier County, Virginia, as Purchaser, and Ross Industrial Development, Inc., a Virginia Corporation, as Seller, be, and is hereby, ratified.

A Resolution to Receive the Rappahannock-Rapidan Community Services Board FY 2000 Performance Contract with Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS)

## RESOLUTION

### A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD FY 2000 PERFORMANCE CONTRACT WITH THE VIRGINIA DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES (DMHMRSAS)

WHEREAS, in July of 1999, the Rappahannock-Rapidan Community Services Board approved the FY 2000 Performance Contract (Contract) with the Department of Mental Health, Mental Retardation, and Substance Abuse Services; and

WHEREAS, prior to the Community Services Board's approval of the FY 2000 Performance Contract, the participating local governments, including Fauquier County, participated in the review process; and

WHEREAS, on July 23, 1999, Fauquier County received a request from the Community Services Board that the Board of Supervisors endorse the Contract by either approving the Contract or acknowledging that the Board of Supervisors participated in the review process and has no additional comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999,

That the Fauquier County Board of Supervisors does hereby receive the FY 2000 Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services; acknowledge that Fauquier County participated in the review process; and has no additional comments regarding the Contract.

A Resolution to Approve Construction of Landfill Cell IV by R.L. Rider & Company

## RESOLUTION

### A RESOLUTION TO APPROVE CONSTRUCTION OF LANDFILL CELL IV BY R. L. RIDER & COMPANY

WHEREAS, in accordance with the Virginia Department of Environmental Quality approved Landfill Permit No. 574, Cell IV is now scheduled for construction; and

WHEREAS, in accordance with Fauquier County Procurement practices the Invitation To Bid #4-00kh was advertised and released to interested parties in July 1999; and

WHEREAS, of the six bidders who submitted proposals, R. L. Rider & Company was the lowest qualified bidder; and

WHEREAS, the funds necessary were approved by the Board of Supervisors in the FY2000 Solid Waste Enterprise Fund Budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the construction company of R. L. Rider & Company is approved, and the Director of Environmental Services is hereby, directed to accomplish those activities necessary to implement the construction and operation of the Landfill Cell IV.



A Resolution Authorizing the Settlement of That Certain Eminent Domain Litigation Styled as Fauquier County vs. John W. Cantrell and Linda Cantrell

RESOLUTION

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THAT CERTAIN  
EMINENT DOMAIN LITIGATION STYLED AS FAUQUIER COUNTY V. JOHN W.  
CANTRELL AND LINDA CANTRELL

WHEREAS, by previous resolution of the Board of Supervisors dated August 19, 1997, the Board of Supervisors authorized the acquisition of 2.9034 acres, more or less, of real property from John W. Cantrell and Linda Cantrell as part of the Phase I expansion of the Warrenton-Fauquier Airport; and

WHEREAS, by the aforesaid resolution, the County Administrator was authorized to apply for and accept FY97 grant funds from the Federal Aviation Administration (FAA) for the purchase of the John W. Cantrell and Linda Cantrell property; and

WHEREAS, by the aforesaid resolution, the County Administrator was authorized to execute all necessary settlement documents for the purchase of the property and was also authorized to expend funds from the Capital Projects Fund to purchase the aforesaid property, subject to reimbursement from the FAA FY97 and FY98 grant funds; and

WHEREAS, the County of Fauquier instituted a condemnation action styled Fauquier County v. John W. Cantrell and Linda Cantrell for the condemnation of the aforesaid 2.9034 acres of land and all easements of record running from the property to State Route 610 held by the Cantrells on the aforesaid property; and

WHEREAS, John W. Cantrell and Linda Cantrell have agreed to settle the condemnation action for the sum of \$100,000.00; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the County Administrator is hereby authorized to execute and submit a grant application for, and to accept, FAA FY98 grant funds in the amount of not more than \$100,000.00 for the purpose of acquiring land to expand the Warrenton-Fauquier Airport; and, be it

RESOLVED FURTHER, That the County Administrator is hereby authorized to execute such settlement documents and court pleadings and to expend such funds from the Capital Projects Fund, subject to reimbursement from FAA FY97 and FY98 grant funds, as are necessary to acquire the following property for a sum not to exceed \$100,000.00 plus any normally reimbursable and proper land acquisition and settlement expenses:

NAME	PIN	ACREAGE
John W. & Linda Cantrell	7809-95-4740	2.9034 acres;

and, be it

RESOLVED FINALLY, That the purchase of the aforesaid property and the settlement of the aforesaid condemnation litigation is contingent upon: (1) the approval and allocation to Fauquier County by the FAA and the VDOA of FY97 and FY98 grant funds in the amount equivalent to 98% of the \$100,000.00 purchase price plus any normally reimbursable land acquisition and property settlement expenses; (2) title acceptable to the FAA and the County Attorney in their sole and complete discretion; and (3) extinguishment of any and all ingress/egress easements to and from the property to State Route 610.

A Resolution Authorizing the Settlement of That Certain Eminent Domain Litigation Styled as Fauquier County vs. James L. Yates

## RESOLUTION

### A RESOLUTION AUTHORIZING THE SETTLEMENT OF THAT CERTAIN EMINENT DOMAIN LITIGATION STYLED AS FAUQUIER COUNTY V. JAMES L. YATES

WHEREAS, by previous resolution of the Board of Supervisors dated September 15, 1998, the Board of Supervisors authorized the acquisition of 1.1762 acres of real property from James L. Yates as part of the Phase II expansion of the Warrenton-Fauquier Airport; and

WHEREAS, by the aforesaid resolution, the County Administrator was authorized to execute all necessary settlement documents for the purchase of the property and was also authorized

to expend funds from the Capital Projects Fund to purchase the aforesaid property, subject to reimbursement under an existing Federal Aviation Administration (FAA) grant; and

WHEREAS, the County of Fauquier instituted a condemnation action styled Fauquier County vs. James L. Yates and Dorothy P. Yates and Maria Matthews for the condemnation of the aforesaid 1.1762 acres, more or less; and

WHEREAS, the parties have agreed to settle the condemnation action for the sum of \$19,500.00; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the County Administrator is hereby authorized to execute such settlement documents and court pleadings and to expend such funds from the Capital Projects Fund, subject to reimbursement under an existing FAA grant, as are necessary to acquire the following property for a sum not to exceed \$19,500.00 plus any normally reimbursable and proper land acquisition and settlement expenses:

NAME	PIN	ACREAGE
James L. Yates, et ux, et al	7819-04-1889	1.1762 acres;

and, be it

RESOLVED FINALLY, That the purchase of the aforesaid property and the settlement of the aforesaid condemnation litigation is contingent upon: (1) funding under the existing FAA land acquisition grant in the amount equivalent to 98% of the \$19,500.00 purchase price plus any normally reimbursable land acquisition and property settlement expenses; and (2) title acceptable to the FAA and the County Attorney in their sole and complete discretion.

A Resolution to Ratify the Declaration of an Open Burning Emergency by the County Administrator

## RESOLUTION

### A RESOLUTION TO RATIFY THE DECLARATION OF AN OPEN BURNING EMERGENCY BY THE COUNTY ADMINISTRATOR

WHEREAS, Fauquier County has received less than sufficient rainfall this past Spring and recent Summer months; and

WHEREAS, forestlands, brushlands, and fields within Fauquier County have become so dry as to create a serious fire hazard, endangering the lives and property of citizens of the County; and

WHEREAS, the Forest Warden, who is appointed pursuant to the Code of Virginia, Section 10-1135, recommended a declaration of a local burning emergency; and

WHEREAS, the County Administrator declared an open burning emergency effective August 30, 1999; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That pursuant to Section 9-23 of the Code of Fauquier County titled "Declaration of local open burning emergency" that an open burning emergency does exist and that the actions of the County Administrator are hereby ratified.



A Resolution to Amend the Board of Supervisors Legislative Proposals for the 2000 General Assembly

RESOLUTION

A RESOLUTION TO DECLARE THE BOARD OF SUPERVISORS  
LEGISLATIVE PROPOSALS FOR THE 2000 GENERAL ASSEMBLY

WHEREAS, the County of Fauquier has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 2000 VACo Legislative Program; and

WHEREAS, the County's interests can be proposed with united support of other localities if contained in the VACo Legislative Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September 1999, That the following items be, and are hereby, directed as the County's legislative issues for consideration by the 2000 General Assembly.

**TAX ISSUES:**

**Business Facility Job Tax Credit** – Fauquier County strongly supports this legislation in the form it was introduced by Delegate Joe May during the 1999 General Assembly Session. This bill would provide that localities which have businesses qualifying for the business facility job tax credit would receive from the state a 20 percent rebate of the personal income tax earned as a result of the jobs created by the qualifying businesses. The rebate will be paid to the locality in which the employee resides.

The following proposed position was contained in the County's July 19, 1999 letter to High Growth Coalition Chairman Scott York

**Revenue Sharing** - Fauquier County strongly supports any legislative proposal that would result in the State sharing a portion of its income tax revenues with localities (provided that the legislation calls for more than the replacement of existing local revenue sources) and provides at least some local flexibility in determining how it should be used.

**Cost of Competing** - Fauquier County respectfully requests those State legislators representing Fauquier County introduce legislation to incorporate Fauquier County into the Cost of Competing School Funding Formula. All political subdivisions having public school systems located in Planning District 8, the Northern Virginia Planning District Commission, receive Cost of Competing funds specifically ear-marked for teacher compensation. Several years ago, the General Assembly authorized Fauquier County's membership in Planning District 8. For Fauquier County to recruit and retain highly qualified public school division teachers, Fauquier County must be able to compensate teachers comparable to our Northern Virginia neighbors.

**Northern Virginia Differential for State Employees** - The Commonwealth of Virginia pays state employees working in Northern Virginia, defined as the Northern Virginia Planning District Commission, a supplement on the base state compensation. This supplement is often referred to as the Northern Virginia Differential. Health Department, Cooperative Extension and State Police employees working in the adjacent communities of Prince William and Loudoun Counties receive the Northern Virginia Differential. Unless and until the Northern Virginia Differential is extended to Fauquier County, our community will remain at risk of losing highly qualified state employees to our neighboring jurisdictions.

**School Operations Funding** - Fauquier County supports legislation that establishes a floor for state funding of school budgets. To avoid unintentionally "enriching the already rich", the floor would apply to statewide average per-capita, per-student or base-line year levels of expenditures for education. This proposal does not alter or modify the existing composite index, but rather targets jurisdictions like Fauquier County that experience unusual reductions in state aid to education due to unusual demographic phenomenon.

As an alternative, Fauquier County requests support and assistance in working with the appropriate state officials in examining the mechanics of the composite index with the goal of altering same to more equitably reflect Fauquier's true "ability to pay".

Additionally, Fauquier County supports the full funding of the State's share of the Standard's of Quality and full funding of any categorical educational mandates including pay raises.

Fauquier County supports school divisions providing detailed information on their budgets prior to their budget public hearing and supports school divisions being subject to the same publication and notice of public hearing requirements as local governments.

**School Construction Funding** - Fauquier County supports the continuation and increased funding of the School Construction Funding legislation. Fauquier County further supports modification of the distribution formula that would amend the provision that the “balance of funds distributed to each school division {shall be} based upon its relative share of average daily membership adjusted by its composite index” through the removal of “adjusted by its composite index.”

**Impact Fees for School Construction** - Fauquier County continues to support legislation that would allow localities the option to assess impact fees for School Construction in lieu voluntary cash proffers for School Construction.

**School Technology Funding** - Fauquier County supports the full funding of the State’s portion of the Standards of Learning relating to instructional technology.

**Integration of Use-Value Taxation into the Composite Index Calculation** - Fauquier County supports the amendment of the composite index formula to consider the fiscal impact of use-value taxation. The composite index should use the value that real property is taxed on rather than the fair market value. The proposal may also benefit urban communities that freeze assessed values for taxation purposes as an inducement for property owners in designated zones to rehabilitate their properties.

**Land Use Value Assessments** - Fauquier County supports legislation that would authorize local governments in the Commonwealth of Virginia to determine minimum acreage requirements exceeding state minimum regulation for Land Use Value Assessments for Agricultural, Horticultural, or Forestal Real Estate.

**Consideration of a Hold Harmless Provision Concerning Local Real Estate Revenues Lost Through Voluntary Local Participation in the State Sponsored Use Value Taxation Program** - Fauquier County supports legislation which would reimburse localities for the amount of annual real estate tax revenues lost through the voluntary participation of localities in the State sponsored Land Use Taxation Program.

**LAND USE PLANNING ISSUES:**

**Conditional Zoning** - Fauquier County respectfully requests that the General Assembly delegation representing Fauquier County introduce in both the Senate and the House the language of 1997 House Bill No. 2657 relating to conditional zoning. The Northern Virginia communities enjoy a much more flexible and productive form of conditional zoning authorization than Fauquier County presently has.

**Comprehensive Plans** - Fauquier County supports legislation that would require state agencies to give consideration to local comprehensive plans.

**Local Authority Issuance of Permits** - Fauquier County opposes any legislation which would limit local authority relating to the issuance of special exceptions and special use permits.

**Adequate Public Facilities** - Fauquier County supports Adequate Public Facilities legislation which would permit high growth localities, as part of their subdivision or zoning ordinance, to determine whether public facilities are adequate to support the services which will be required by the proposed subdivision or rezoning.

**Developer Reimbursements** - Fauquier County supports legislation that would allow localities to require subsequent developers to reimburse initial developers on a pro rata basis, for off-site improvements provided by initial developers.

**Takings** - Fauquier County opposes any change in the existing eminent domain laws of the Commonwealth of Virginia or legislative expansion of the now existing property rights for which landowners must be compensated when such rights are affected by ordinance, regulation, legislation or other action taken by any county, city or town within this Commonwealth.

**Vested Property Rights** - Fauquier County opposes any legislation expanding the vested property rights of owners of land in the areas of zoning, subdivision and site plans beyond the law of vested rights existing within the Commonwealth of Virginia on July 1, 1993. In addition, Fauquier County supports the amendment of SB570 which became law July 1, 1998 that would clarify that actions taken by local government that would be considered as granting a vested right under SB570 be considered as granting that "right" only if the action was taken by the local government after the adoption of the legislation.

**Manufactured Housing** - Fauquier County opposes any further dilution of the zoning and land use regulatory authority of local governments as it pertains to manufactured housing.

**Shared Land Use Data** - Fauquier County supports efforts of the General Assembly to promote shared land use data and Geographic Information System (GIS) technology among state agencies, PDC's and localities.

**Cost of Growth** - Fauquier County supports the Virginia Association of

Counties Region 7 initiative to develop equitable programs to address the pernicious problem of accelerated government costs associated with significant population growth.

#### **SOLID WASTE/RECYCLING ISSUES:**

**Markets for Recyclables** - Fauquier County requests the state to take an active role in developing markets for recyclables.

**Deposit on Beverage Containers** - Fauquier County supports legislation that would establish a deposit on beverage containers.

**Non-biodegradable Containers** - Fauquier County supports legislation to prohibit the use of non-biodegradable containers whenever safe, degradable alternatives are viable.

#### **LOCAL GOVERNMENT ENABLING & SELF DETERMINATION ISSUES:**

**Courthouse Relocation** - A Virginia Attorney General's opinion suggests that a referendum is required for any relocation of the Circuit Courthouse. Fauquier County requests legislation that would permit relocation of the Courthouse, without referendum, within one mile of the existing Courthouse location.

**Increased Local Authority** - Fauquier County supports legislation to provide for increased local authority in planning, zoning and revenue matters through a statutory relaxation of the Dillon Rule. The relaxation of the Dillon Rule should not, however, be accompanied by a shift of responsibility for various programs from the state government to local government.

**Funding of State Mandated Laws** - Fauquier County supports legislation to mandate state funding of state laws requiring local appropriations. Further, Fauquier County requests that the General Assembly place a sunset or reexamination requirement for all legislation adversely impacting local government. Periodic examination of legislation pertaining to mandates and state imposed requirements on local governments is essential to assure that state government officials understand the implications of state mandates on local governments.

#### **PUBLIC SAFETY ISSUES:**

**Alternatives to Incarceration for Non-Violent Offenders** - Fauquier County exhorts the Commonwealth of Virginia to investigate safe, cost-effective alternatives to incarceration for non-violent offenders in order to reduce state and local jail overcrowding.

**Block Grant Funding for Correctional Facilities** - Fauquier County supports legislation which requires money appropriated for payment of operational costs for local correctional facilities to be paid in a single block grant to the localities on the first day of the fiscal year for which the appropriations or apportionments are made.

**State Pays for Housing State Prisoners** - Fauquier County supports an increase in what the state pays for housing state prisoners in local jails based on state analysis of actual costs incurred by local governments.

#### **HUMAN SERVICES:**

**Comprehensive Services Act** - Fauquier County opposes any change in the funding formula for the Comprehensive Services Act which would mandate an increase in the current local match rate of 45%.

Fauquier County supports adequate State funding to cover both mandated and court-ordered placement of children and cover local costs for administering the Comprehensive Services Act.

The following two items were added to the Legislative Program August 2, 1999 by the Board of Supervisors:

#### **LIBRARY SERVICES:**

**Full Funding of the State Aid Formula for Public Libraries** - Fauquier County supports legislation that will fully fund the state aid formula for public libraries.

**Funding of Public Library Technology Plan** - Fauquier County supports legislation that will fund the Library of Virginia public library technology plan "Infopowering the Commonwealth."

The following five items have been suggested by the Parks and Recreation Board for consideration as additions to the Board of Supervisors 2000 Legislative Program:

**PARKS AND RECREATION:**

**State Designation of Monroe Park** - Fauquier County supports the designation of the Monroe Park Gold Mining Camp as the official state gold mining interpretive center for the state.

**Inclusion of Monroe Park in Any Upcoming State Cultural Bond Issue** - Fauquier County requests the inclusion of the gold mining camp in any cultural facilities bond legislation that may be proposed.

**Background Checks** - Fauquier County supports the implementation of the national background check program that was passed by the federal government in October 1998

**Penalties for Weapon Possession in Recreational Facilities** - Fauquier County supports stiffer penalties for possession of weapons in public parks and community centers.

**Proffer Authority for Parks and Recreation Facilities** - Fauquier County supports the expansion of local government proffer authority to include adequate recreational facilities needed to serve new residential growth.

A Resolution to Establish the Composition of the Economic Development Advisory Council

RESOLUTION

A RESOLUTION TO APPROVE THE COMPOSITION OF THE  
ECONOMIC DEVELOPMENT ADVISORY COUNCIL

WHEREAS, the Board of Supervisors is committed to establishing an enhanced economic development program for Fauquier County; and



WHEREAS, the Board of Supervisors has held several work sessions related to the form, content and budget of a County Office of Economic Development including the composition of an Economic Development Advisory Council; and

WHEREAS, the Board of Supervisors has appropriated a sufficient budget for the establishment of this Office beginning July 1, 1999; and

WHEREAS, the Board of Supervisors on June 7, 1999 approved the job description for the Director of Economic Development, the selection committee for the position, the first year implementation plan and Economic Development Strategic Plan planning outline; and

WHEREAS, the Board of Supervisors recognizes the essential benefit of community-wide participation in the development and implementation of the Economic Development Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September 1999, That the Board of Supervisors does hereby establish the Economic Development Advisory Council and does hereby establish the composition thereof as follows:

- Board of Supervisors Representative
- Chairman of the IDA
- County Administrator
- Chamber of Commerce, Designee
- Agricultural Advisory Committee, Designee
- Marshall Business & Residents Association, Designee
- Southern Fauquier Business Owners Association, Designee
- The Plains Business & Professional Association, Designee
- Partnership for Warrenton, Designee
- Vint Hill EDA, Designee

- Town of Warrenton, Designee
- Executive Director of PD-9
- At large seats (4):

Technology

Manufacturing

Retail/Service Industry

Education

#### Economic Development Advisory Council Charge

The Council will be charged with working closely with the Director of Economic Development to complete an Economic Development Strategic Plan for Fauquier County. The Board of Supervisors has directed that this plan shall include, at a minimum:

- A recommended Office of Economic Development mission statement, goals and objectives for the first two years of program operations;
- Recommendations concerning business retention and recruitment strategies for achieving success in implementing the program's objectives including measurement tools for monitoring the success of each strategy;
- An organizational chart of the Office of Economic Development including a breakdown of responsibilities within the Office and hiring plan;
- A "county-wide" organizational chart denoting the roles and responsibilities of the various economic development and business and professional organizations within Fauquier County including their primary roles and responsibilities as they relate to the overall county economic development mission;

- A review of potential site locations for the Office of Economic Development and a recommendation for the permanent site of the Office;
- Suggested guidelines for the distribution of funds contained within the County's economic development opportunities fund including eligibility criteria and method(s) of application;
- A strategy(s) for how the office will successfully interact with other economic development entities within Fauquier County including a consolidation plan, if appropriate; and
- A strategy(s) for how the office will successfully establish an enhanced working relationship, on behalf of Fauquier County, with the several business and professional organizations within Fauquier County and the State Office of Economic Development.

Following adoption of the strategic plan by the Board of Supervisors, the Council will further be charged with working with the Director of Economic Development and the Board of Supervisors to monitor implementation of the plan.

Waiver of Subdivision Ordinance – George P. Coussolos

## RESOLUTION

### A RESOLUTION TO APPROVE WAIVER OF SUBDIVISION

### ORDINANCE FOR GEORGE P. COUSSOLOS

WHEREAS, the applicant, George P. Coussolos, wishes to obtain a waiver to Section 3-2(A) 6 of the Subdivision Ordinance to allow an administrative division to be greater than 5,000 feet from a State road; and

WHEREAS, the request of George P. Coussolos was reviewed by the Fauquier County Planning Commission at its July 29, 1999, meeting and the Commission unanimously voted to recommend approval of the subdivision waiver request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the waiver to Section 3-2(A)7 of the Subdivision Ordinance is hereby granted to allow for an administrative division to be more than 5,000 feet from a State road.

Preliminary Subdivision – Sherwood Forest Subdivision

No action was taken.

Preliminary Subdivision – Green Meadows Subdivision

No action was taken.

Preliminary Subdivision – Piedmont Investments, LLC

No action was taken.

A Resolution Authorizing the Chairman to Send a Letter to the Fauquier County School Board Giving Notice of the Cancellation of the Revised Consolidated Services Agreement as of June 30, 2000

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO SEND A LETTER TO THE

FAUQUIER COUNTY SCHOOL BOARD GIVING NOTICE OF THE CANCELLATION OF  
THE REVISED CONSOLIDATED SERVICES AGREEMENT AS OF JUNE 30, 2000

WHEREAS, the County of Fauquier and the School Board of Fauquier County have entered into a Revised Consolidated Services Agreement dated the 1<sup>st</sup> day of July, 1996; and

WHEREAS, the Revised Consolidated Services Agreement provides for the provision of services to each entity through the consolidated departments of Information Resources, Finance, Personnel, Budget and Support Services; and

WHEREAS, the School Board has established positions which are duplicative of the functions provided by the consolidated departments and as a result have negated the primary purpose of consolidation which was to achieve enhanced productivity and cost savings by avoiding the unnecessary duplication of administrative functions; and

WHEREAS, Section 11 of the Revised Consolidated Services Agreement provides:

This agreement shall be in effect until June 30, 1997, and shall be automatically renewed unless any party to this agreement gives the other party ninety (90) days written notice of cancellation prior to the annual expiration date of this agreement.

; and

WHEREAS, the one-sided continuation of consolidation does not result in the achievement its primary purpose and has resulted in a negative effect on the employees of the departments and on the relationship between the two boards; and

WHEREAS, the Board of Supervisors desires to give notice of its cancellation of the Revised Consolidated Services Agreement in a timely fashion in order to permit the School Board to address budgetary issues arising from the cancellation of the Revised Consolidated Services Agreement; and

WHEREAS, the Board of Supervisors is willing to offer the continued services of the non-consolidated departments to the School Board through a contractual relationship in order to avoid duplication of administrative services and to obtain cost savings; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 7<sup>th</sup> day of September, 1999 That the Revised Consolidated Services Agreement be, and is hereby, canceled effective at 11:59 P.M., June 30, 2000; and, be it

RESOLVED FURTHER, That the Chairman of the Board of Supervisors be, and is hereby, authorized to send the letter notifying the School Board of the cancellation of the Revised Consolidated Services Agreement effective at 11:59 P.M., June 30, 2000, said letter dated September 7, 1999; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, directed to prepare and implement a plan to re-establish the County departments of Information Resources, Finance, Budget, Personnel and Support Services effective 11:59 P.M., June 30, 2000; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to offer the continued services of the re-established County departments of Information Resources, Finance, Budget, Personnel and Support Services to the School Board and to negotiate and sign such contractual agreements subject to ratification by the Board of Supervisors.



A Resolution to Approve Funding and Implementation of a System Wide Compensation and Classification Plan Review

RESOLUTION

A RESOLUTION TO APPROVE FUNDING AND IMPLEMENTATION OF A  
SYSTEM WIDE COMPENSATION AND CLASSIFICATION PLAN REVIEW

WHEREAS, the Board of Supervisors' is charged by the Code of Virginia with the operation of an annual budget and during the course of the fiscal year certain events occur which necessitate changing the budget plan; and

WHEREAS, the Fauquier County General Government and School Division Compensation and Classification Plan is outdated and a need exists to review and update the Plan; and

WHEREAS, a goal of the Compensation and Classification Plan is to recruit, retain, and motivate employees by establishing internal and external equity between positions and jurisdictions; and

WHEREAS, the County currently has a contract with DMG Maximus that includes an option to conduct a system-wide classification position and compensation study; and

WHEREAS, the anticipated cost of the plan review is \$85,000 and funding exists in FY 1999 year end funds from the Human Resources Department; and

WHEREAS, justification has been presented to and received the approval of the Fauquier County Finance Committee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That an appropriation from prior year fund balance in the amount of \$85,000 is approved for this study; and, be it

RESOLVED FURTHER, That the contract with DMG Maximus be amended to implement the Classification and Compensation Plan review and update.

#### GOVERNMENT FINANCE OFFICERS' ASSOCIATION CERTIFICATE OF ACHIEVEMENT IN FINANCIAL REPORTING

Mary Kemp, representative of the Government Finance Officers' Association, presented a Certificate of Achievement to Fauquier County for the County's FY 1998 Comprehensive Annual Financial Report.

**FAUQUIER COOPERATIVE EXTENSION RECOGNITION**

Chuck Hoysa, representing the Fauquier Cooperative Extension Office, introduced Bert Truxel and Jim Riffe of the Master Gardener's Program. Mr. Truxel and Mr. Riffe received certificates and pins to honor 1,000 volunteer hours. Mr. Green and Mr. Burton presented the two volunteers with County paperweights to express the Board's appreciation for their service.

**SPECIAL EXCEPTION – POPLAR SPRINGS, L.C.**

A public hearing was held to consider a request for special exception approval for Poplar Springs, L.C. to allow a resort operation and conference center. The property is located on the southeast quadrant of Rogues Road (Route 602) and Casanova Road (Route 616), Cedar Run District. The Board voted to postpone the decision on this request. At its August 2, 1999 meeting the Board voted to reconsider the vote to postpone the decision on this request. Mr. Burton moved to adopt the following resolution. Mr. Mangum seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes:***                      ***Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum***

***Nays:***                      ***None***

***Absent During Vote:*** ***Mr. Joe Winkelmann***

***Abstention:***            ***None***

**RESOLUTION****A RESOLUTION TO APPROVE SPECIAL EXCEPTION****REQUEST #SE99-CR-03****POPLAR SPRINGS, L.C., OWNER/APPLICANT**

WHEREAS, the owner/applicant, Poplar Springs, has filed an application for a special exception under Section 3-309.5 (Outdoor Recreation – Camps, Recreation Grounds, Lodges and Resorts) and Section 3-311.1 (Public and Quasi-Public Uses – Conference Center) of the Fauquier County Zoning Ordinance; and

WHEREAS, the special exception application of Poplar Springs, owner/applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with general standards for special exceptions as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of 5-006, 5-906 and 5-1102 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on March 25, 1999, on this special exception application and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September 1999, That special exception #SE99-CR-03, Poplar Springs, owner/applicant (PIN #7902-71-9420-000 and #7902-62-6683-000) be, and is hereby, approved subject to the following conditions:

***CONDITIONS:***

1. This permit is specifically granted for the property as a whole (189.2 acres) and shall supersede the previously granted special exception permit issued on February 6, 1990, to operate an inn for weddings, meetings and other uses as specified under Section 5-701 of the Zoning Ordinance.
2. There shall be no more than one hundred (100) suites in a total of 7-10 separate buildings, a conference facility, and a recreation facility as generally shown on the special exception plat entitled "Proposed Site Development Plan" dated April 20, 1999, prepared by BDA Architects.
3. The main dining room in the existing Manor House seating capacity shall not exceed

one hundred (100) seats and the private dining room seating capacity will not exceed fifty (50) seats, and the conference center will not exceed 15,000 square feet.

4. Structures on the site shall be limited to those existing and those proposed on the special exception plat entitled "Proposed Site Development Plan" dated April 20, 1999, prepared by BDA Architects.

5. The applicant shall maintain at all times occupancy permits for all dwellings and guest units, Health Department approval and proof that State fire codes are met.

6. The applicant will perform a Hydrogeological Study per Section 18 of the Subdivision Ordinance prior to the submission of the first site development plan.

7. The proposed project will be constructed over a three year time frame generally based on the three (3) phases outlined below.

#### Phase One:

Construct the conference facility, new commercial road network, wells and septic field for the development, the grounds maintenance facility, and site clean-up. The new commercial entrance on Route 616 would be built in this Phase and the internal roads would be improved where needed to serve the conference facility. Requisite parking for the conference facility would also be constructed in Phase One. *Construction starting time frame, years 1 to 3.*

#### Phase Two:

Renovate the existing manor house into the restaurant, construct the kitchen to support the restaurant, renovate the existing carriage house into the private dining room, construct 20-30 guest rooms in two to three separate structures. Requisite parking for the restaurant and guest rooms would also be constructed in Phase Two. *Construction starting time frame, years 2 to 4.*

Phases Three "A" & "B":

Construct the remaining 70-80 guest rooms in two equal segments in four to seven separate buildings over 12 months. Construct the spa and recreation facilities. Requisite parking for the recreation facilities and guest rooms would also be constructed in Phase Three. Construction starting time frame, years 3 to 5.

8. If the existing entrance is to be utilized, it will serve as an entrance only (per VDOT approval).

9. To minimize adverse impacts on the surrounding rural Village of Casanova and adjacent rural roadways, the applicant will offer patrons/clients van/limousine service to the facility and take other measures to minimize the number of auto trips to the site.

10. The special exception shall be granted for a period of ten (10) years and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.

SPECIAL EXCEPTION – FENTON FARM, L.C., OWNER, AND ERNESTO DRAGHI, APPLICANT

A public hearing was held to consider a request for special exception approval for Fenton Farm, L.C. Owner, and Ernesto Draghi, Applicant, to convert an existing manor house into a lodge and restaurant. The property is located off James Madison Highway (Route 17) and Bear Wallow Road (Route 690), Marshall District. Mr. Green moved to adopt the following resolution. Mr. Mangum seconded, and the vote for the motion was 4 to 0 as follows:

**Ayes:** *Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum*

**Nays:** *None*

**Absent During Vote:** *Mr. Joe Winkelmann*

*Abstention:*            *None*

## RESOLUTION

### A RESOLUTION TO APPROVE SPECIAL EXCEPTION

REQUEST #SE99-M-07 FENTON FARM, INC., OWNER,

AND ERNESTO AND DEBBIE DRAGHI, APPLICANT

WHEREAS, Fenton Farm, Inc., Owner, Ernesto and Debbie Draghi, Applicant, have filed a special exception under Category 9, Outdoor Recreation, Lodges and Resorts Use, of the Fauquier County Zoning Ordinance to convert an existing manor house/ B&B into a restaurant; and

WHEREAS, the special exception application of Fenton Farm Inc., Owner, and Ernesto and Debbie Draghi, Applicant, has been properly filed and all required notices of the public hearings have been properly made, and the Applicant has presented evidence both oral and documentary, and staff has filed a staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds more restrictive standards of Article 5-906 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on April 29, 1999, on this special exception request and recommended approval subject to one (1) condition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September 1999, That Special Exception #SE99-M-07, Fenton Farm, Inc., Owner, and Ernesto and Debbie Draghi, Applicant, (PIN #6975-81-9887) be, and is hereby, approved subject to the following seven (7) conditions:

1. This permit is specifically granted for the applicant's leased manor house on Fenton Farm (PIN #6975-81-9887) and shall not be transferable to possible future owners or lessors.



2. The seating shall not exceed a fifty (50) seat capacity within the restaurant located in the manor house.
3. The hours of operation shall be six days a week, however, the service of dinner will end at 10:00 PM.
4. The applicant shall provide a site plan, including the Hydrological Study and parking requirements.
5. The applicant shall construct a commercial entrance off Bear Wallow Road to Virginia Department of Transportation standards before the certificate of occupancy for the restaurant is granted. Access to Route 17 is prohibited.
6. The applicant shall maintain at all times occupancy permits for the manor house, Health Department approval and proof that the State Fire Codes are met.
7. This special exception shall be granted for a period of ten (10) years and must be renewed by the Board of Supervisors in accordance with the provision of the Zoning Ordinance.

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING ON PROPOSED ORDINANCE  
AMENDMENTS TO SECTIONS 18.5-15 AND 18.5-17 OF THE CODE OF FAUQUIER  
COUNTY TO AUTHORIZE THE ESTABLISHMENT OF A COST SHARING PROGRAM FOR  
THE CONTROL AND ELIMINATION OF JOHNSON GRASS

Mr. Burton moved to adopt the following resolution. Mr. Mangum seconded, and the vote for the motion was 4 to 0 as follows:

**Ayes:** *Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum*

**Nays:** *None*

*Absent During Vote: Mr. Joe Winkelmann*

*Abstention: None*

## RESOLUTION

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING  
ON PROPOSED ORDINANCE AMENDMENTS TO  
SECTIONS 18.5-15 AND 18.5-17 OF THE CODE  
OF FAUQUIER COUNTY TO AUTHORIZE THE  
ESTABLISHMENT OF A COST SHARING PROGRAM  
FOR THE CONTROL AND ELIMINATION OF JOHNSON GRASS

WHEREAS, the Board of Supervisors has declared Johnson Grass to be a public nuisance;  
and

WHEREAS, the Johnson Grass Control Committee has recommended that the Board of Supervisors authorize the establishment of a cost sharing program with the citizens of Fauquier County for the control and eradication of Johnson Grass; and

WHEREAS, the Board of Supervisors deems it to be in the best interest of the health, safety and welfare of the citizens of Fauquier County to consider amending the Code of Fauquier County to authorize the establishment of a cost sharing program for the control and eradication of Johnson Grass; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the County Administrator be, and is hereby, authorized to schedule a public hearing to receive citizen comments on a proposed ordinance amending Sections 18.5-15 and 18.5-17 of the Code of Fauquier County to authorize the establishment of a cost sharing program for the control and eradication of Johnson Grass.

A RESOLUTION TO AUTHORIZE REDUCTION OF TIME PERIOD FOR HOLDING FAMILY  
TRANSFER DUE TO EXTRAORDINARY HARDSHIP

Mr. Mangum moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was 4 to 0 as follows:

**Ayes:** *Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum*

**Nays:** *None*

**Absent During Vote:** *Mr. Joe Winkelmann*

**Abstention:** *None*

RESOLUTION

A RESOLUTION AUTHORIZING REDUCTION OF TIME  
PERIOD FOR HOLDING FAMILY TRANSFER DUE  
TO EXTRAORDINARY HARDSHIP

WHEREAS, Parcel ID # 6990-46-1668, owned by applicants Roger and Marilyn Lawson, was created by deed dated November 26, 1991, under the family transfer provision of the Subdivision Ordinance; and

WHEREAS, Section 2-39.3(A)(3) of the Subdivision Ordinance prohibits the transfer of a parcel of land created by family transfer to a non-immediate family member for at least 10 years; and

WHEREAS, Sections 2-39.3(A)(14) and 4-27 permit the Board to waive the requirements of the Ordinance, including the 10 year restriction, to alleviate extraordinary hardship; and

WHEREAS, the Lawsons have contracted to sell the aforesaid property to David and Darlene Colleran; and

WHEREAS, the Lawsons and Collerans have jointly applied for a reduction in the 10 year restriction for the reasons cited in the application; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That the Board of Supervisors does hereby:

- (1) find the requirements of Section 2-39.3(A)(14) met; and
- (2) waive the 10 year holding requirement contained in Subdivision Ordinance Section 2-39.3(A)(3); and
- (3) reduce the time period that the subject property must be held under Section 2-39.3 (A)(3) to the time the property has been held by the immediate family members.

## APPOINTMENTS

By unanimous consent the following appointments were made:

- Ashley Smith to the Industrial Development Authority representing Lee District
- Ray Graham to the Steering Committee for Update of Unified Position Classification and Compensation Plan
- Charles Turner, Jr. to the Economic Development Advisory Council representing the retail/service industry
- Elizabeth Crowther to the Economic Development Advisory Council representing the education industry
- Paul Blackmer to the Capital Improvements Program Committee representing Lee District
- Carl Bailey was reappointed to the Parks and Recreation Board representing Cedar Run District

## SUPERVISORS TIME

- Mr. Burton asked the Board of Supervisors for support in contacting the Prince William County Board of Supervisors in opposition to the proposed horse race track that is planned near the Fauquier County/Prince William County boundary. The Board agreed to schedule a work session at the October 4 meeting to obtain more information on this plan.
- Mr. Green informed the Board that he had been meeting with officials in Warren County regarding the proposed boundary adjustment.

## PROPOSED AMENDMENTS TO THE FAUQUIER COUNTY COMPREHENSIVE PLAN,

## ZONING ORDINANCE AND SUBDIVISION ORDINANCE IN RESPONSE TO HOUSE BILL 2324

A public hearing was held to consider amendments to the Fauquier County Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance in response to House Bill 2324. Kathleen King, Jim Stone, representing Citizens for Fauquier County, Jolly deGive, Alice Faulkner, representing the Goose Creek Association, and Kitty Smith spoke in favor of the amendments. Merle Fallon, Jeff Lippincott and Jim Carson spoke in opposition. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance and resolution. Mr. Mangum seconded, and the vote for the motion was 4 to 0 as follows:

**Ayes:** *Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum*

**Nays:** *None*

**Absent During Vote:** *Mr. Joe Winkelmann*

**Abstention:** *None*

### ORDINANCE

AN ORDINANCE TO AMEND ARTICLES 2, 3, 5, 7 AND 15 OF  
THE ZONING ORDINANCE AND SECTIONS 4, 6, 8, 9 AND 18  
OF THE SUBDIVISION ORDINANCE TO MAKE ADJUSTMENTS  
REQUIRED BY THE ENACTMENT OF HB 2324

WHEREAS, House Bill 2324 was enacted this year as Section 15-2 2288.1 of the Code of Virginia; and

WHEREAS, this state legislation prohibited localities from requiring, as a condition of approval for a subdivision plat, site plan or plan of development, or issuance of a building permit, that a special exception, special use, or conditional use permit must be obtained for the development and construction of residential dwellings at the use, height and density permitted by right under the

Zoning Ordinance; and

WHEREAS, the Planning Commission conducted a public hearing on August 26, 1999, on the proposed amendments to the Zoning and Subdivision Ordinances, referenced herein; and

WHEREAS, the Planning Commission conducted a public hearing on August 26, 1999, and, after public comments and an additional work session, voted at its August 30, 1999 meeting to forward to and recommend that the Board of Supervisors adopt the referenced Amendments to the Zoning and Subdivision Ordinances; and

WHEREAS, the Board of Supervisors, following a public hearing on September 7, 1999, finds that the proposed Ordinance amendments provide better defined residential development standards for density, open space, public sewer and water, streets, and associated topics; and

WHEREAS, the Board of Supervisors now wishes to adopt the Ordinance; and

WHEREAS, by adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare or good zoning practice is satisfied by these amendments to the Fauquier County Zoning Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That Article 2, Section 2-308, Maximum Density, 2. & 3.; 2-406, Open Space Requirements 1., 2., 3., & 4.; 2-503, Sewer and Water Facility Requirements; Article 3, Districts, Deletion of certain footnotes; 3-301.1, & 2.; 3-327, Decrease in Common Open Space; 3-328, Waiver of Type I Private Street in RA/RC Zones; 3-329, Waiver of Public Street Requirements in Residential Zones; 3-330, Waiver of Public Street Requirements; 3-331, Waiver of Public/Central Water; 3-401, Maximum Density; 3-408, Minimum Open Space; Article 5, Special Permit and Special Exceptions; 5-007 2., 5-101, Additional Submission Requirements for Residential Development Major in Rural Zoning Districts (Only) to be deleted; 5-102 Standards for all Category 1 Residential Development Major to be deleted; 5-2601, Standards for Reduction of Non-Common Open Space required by paragraph 2-406; 5-2701, Standards for Reduction of Common Open Space as permitted by paragraph 2-406; 5-2800, Standards for waiving requirement for type 1 private streets in the RA/RC zones; 5-2900, Standards for waiving requirements of public streets in residential zones; 5-3000, Standards for waiving requirements of public sewer; 5-3100, Standards for waiving requirement for public water system and central water system; Article 7, Off-Street Parking and Loading, Streets, Water & Sewer, Section 7-301, Applicability; 7-400, Design and Construction Standards for Public Streets; 7-401; 7-500, Public Water and Sewer and Central Water System Requirements; 7-501, 7-502, 7-503; Article 15, Definitions of the Fauquier County Zoning Ordinance, and Section 4-11, Sanitary Sewer and Water; Section 4-14, Public Water and Sewer; Section 4-27, Variations and Exception; Section 6-6, Rural Access Way to be deleted; Section 8, Special Area Requirements for use of Street Standards; Section 9-13, Additional Design and Performance Standards; Section 18, Hydrogeologic Testing; Section 18-1, and Section 18-2 of the Subdivision Ordinance be, and are hereby, amended in accordance with the following revisions that are attached hereto and made a part of this Ordinance.

I. Amendments to Article 2

2-308 Maximum Density

1. The maximum density specified for a given zoning district shall not be exceeded except as specifically qualified elsewhere. Maximum density shall be expressed in number of dwelling units.



2. Maximum density in the RA and RC zones shall be as follows:

The residential density for the RA and RC districts shall be based on a sliding scale zoning density whereby the number of new lots created from a parcel is determined by the size in acres of the parent parcel. A parent parcel is the parcel from which the new lot or lots are created. The basis for calculating the number of new lots allowed shall be the size of the parent parcel of record as of May 21, 1981. If the lot of record has been divided subsequent to that date, the determination of the number of new lots that can be created will be based upon a proportionate share allocation of the number of remaining lots that can be created by virtue of the sliding scale zoning density.

The sliding scale density for the RA and RC districts is as shown below:

<u>Size of Parcel (acres)</u>	<u>Number of Lots Permitted</u>
<u>0-9.99</u>	<u>1</u>
<u>10-19.0</u>	<u>2</u>
<u>20-34.99</u>	<u>3</u>
<u>35-54.99</u>	<u>4</u>
<u>55-79.9</u>	<u>5</u>
<u>80-104.99</u>	<u>6</u>
<u>105-129.99</u>	<u>7</u>
<u>130-154.99</u>	<u>8</u>
<u>155-179.99</u>	<u>9</u>
<u>180-204.99</u>	<u>10</u>
<u>205 and above</u>	<u>10</u>

plus one additional

lot for each additional

50 acres.

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~~23.~~ The maximum density for the RA and RC districts will be based on the gross acreage of the lot with no deductions for floodplain and steep slopes. No density allowance shall be calculated for any area of a lot in an existing street right-of-way, and only fifty (50) percent density allowance shall be calculated on that area of a lot comprised of quarries.

4. In all other zoning district categories, the ~~m~~<sup>M</sup>aximum density shall be calculated on the gross area of the lot except that:

A. Only fifty (50) percent density allowance shall be calculated on that area of a lot comprised of floodplain, quarries or existing water bodies.

B. ~~Except in the RA and RC district,~~ Only thirty (30) percent density allowance shall be calculated on that area of a lot comprised of slopes in excess of twenty-five (25) percent grade.

C. ~~Except in the RA and RC District,~~ Only fifty (50) percent density allowance shall be calculated on that area of a lot comprised of ~~floodplain or~~ slopes in excess of fourteen (14) percent but equal to or less than twenty-five (25) percent grade.

-

D. No density allowance shall be calculated for any area of a lot in an existing street right-of-way.

Where a lot contains more than one zoning district allowing single family detached dwellings by right, the Board, in a clustered subdivision may allow the gross site density to be located on the lot in a manner which best accomplishes the purposes and intent of the proposed open space as set forth in Paragraph 2-406.

Family transfers qualifying under 2.39, 3, A of the Subdivision Ordinance are excluded from Section 2-308(4) A thru D above, and from density deduction in the

d RC zones for street right of way or quarries.

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Renumber subsequent sections

2-406

### Open Space Requirements

1. ~~Except in the RA and RC zones, w~~When a lot is proposed for subdivision using the cluster provisions of Article 3, a minimum of fifty (50) percent of the gross site area shall be in open space, except in the RA and RC Zoning Districts wherein 85% shall be required unless a special exception satisfying the standards of as provided for in 3-408~~Section 5-2601 is approved.~~

~~2. When a lot is proposed for subdivision for residential purposes in all districts except in the RA and RC Zoning Districts, the Commission may require fifty (50) percent open space in order to promote the public welfare by:~~

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~~A. Conserving scenic and/or natural, and/or historic resources, or~~

-

~~B. Assisting in mitigating agriculture/residential interface problems, or~~

-

~~C. Assisting in maintaining the existing general character of the area and/or preserving land values.~~

~~2. When a lot is proposed for conventional subdivision into more than 7-25 or more lots in the RR-2, R-1, R-2, or R-4 zones, the following minimum percentages of gross site area shall be in common open space unless a special exception satisfying the standards of Section 5-2701 is approved. At least 50% of the designated open space shall be configured for contiguous usable recreation purposes.~~

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RR-2	35%
R-1	25%
R-2	20%
R-4	15%

3. In the RA and RC Zoning Districts, 85 percent of the gross site area shall be in non-common open space unless a special exception satisfying the standards of Section 5-2601 is approved.

~~4. A subdivision development plan or a preliminary subdivision plat in accordance with the provisions of Appendix C of the Code, the Subdivision Ordinance, shall be submitted to the Commission for review and determination as to whether the cluster development shall be required.~~

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Renumber current paragraph 3 as paragraph 4

2-503

#### Sewer and Water Facility Requirements

All structures built hereafter shall meet the requirements for sewer and water facilities as set forth in Health Department Regulations, ~~and~~ the Subdivision Ordinance and this Ordinance.

## **II. Amendments to Article 3**

1. Delete references to major and minor residential subdivisions on chart III-5 (following page), and delete footnote "" addressing rezonings within service districts.

2. Amendments to chart on III-12 (infra) to reflect additional waivers for open space,

Type I streets, public streets, public sewer and water and central water.

3. Amend footnote 1, page III-14 to delete references to minor residential development.

1. The density shown does not necessarily represent the permitted density that will be allowed for any given lot. See 2-308 and 3-301 for specifics. The density shown is the maximum possible. ~~except for residential development, minor in the RC and RA zoning districts.~~ Where non-common open space is platted one dwelling unit shall be allocated to each parcel thereof. For family transfers approvable in accordance with 2-39, 3, (A) of the Subdivision Ordinance for lots of less than ten (10) acres existing as of May 21, 1981, the maximum allowable density shall be .4 dwelling units per acre in the RA and RC zoning district.

### III. Amendments to Article 5

5-2601                      Standards for Reduction of *Non Common* Open Space Required by Paragraph 2-406 ~~3-408~~

-

The percentage of the gross site area required as non-common open space may be reduced by the Board upon a determination that:

1. The required amount is not necessary in order to protect the scenic, natural or historic resources contained on the site, in which case the open space may be reduced to that amount necessary. (See paragraph 2-406.)

2. The predominance of the character of the area, particularly adjacent parcels is large lot (10 to 25 acres per lot) and the site resources determined in A above would require less than 25 acres of open space, in which case open space may be reduced to zero. If more than 25 acres of open space is required in A above then that amount shall be required unless it is determined that the location of the resultant lot layout is

in conflict with adjacent uses because of lot size or use incompatibility.

5-2701                      Standards for Reduction of *Common* Open Space as Permitted by Paragraph 2-406 ~~3-408~~:

-

In any zone, the percentage of the gross site area required as common open space may be reduced by the Board upon a determination that:

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1. The required amount is not necessary in order to establish neighborhood open space for useable recreation space, accessibility, visibility and linkage with other established or planned subdivisions, adjacent opens space, parks, schools or similar land uses.

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2. The area, particularly adjacent parcels, is developed predominantly as conventional subdivisions without open space and the required open space would result in an inconsistent pattern of development, in which case open space may be reduced to zero.

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5-2800                      Standards for Waiving Requirement for Type I Private Streets In the RA and RC Zones:

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In the RA and RC zones, the Board may grant a special exception to permit the construction of Type II or Type III private streets within a subdivision where the following standards are met:

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1. Construction of a Type I street would be inconsistent with the pattern of development in the area, or would result in the degradation of environmental, historic or cultural resources.



2. The proposed street (whether Type II or Type III) would adequately serve the lots to be developed and provide sufficient emergency vehicle access to the subdivision, and adequate provisions will be made to provide for the continuing maintenance and repair of the streets.

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#### 5-2900

#### Standards for Waiving Requirement for Public Streets in Residential , RA and RC Zones.

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In residential, RA and RC zones, the Board may grant a special exception to permit the construction of private streets within a subdivision where the following standards are met:

-

1. The requirements of the Virginia Department of Transportation necessary for the dedication of public streets will not permit the development of the proposed subdivision in a manner which is in harmony with the surrounding character of the neighborhood or the proposed development scheme.

-

2. The proposed private streets, based upon anticipated traffic generation volume, would adequately serve the lots to be developed and provide sufficient emergency vehicle access to the subdivision, and demonstration that adequate provisions will be made to provide for continuing maintenance and repair of the streets by a homeowners association. For any subdivision with 80 lots or more, a traffic impact analysis must be provided to establish the justification for the request.

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#### 5-3000

#### Standards for Waiving Requirement for Public Sewer.

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In residential, RA and RC zones, the Board may grant a special exception to waive the requirement for public sewer where the following standards are met:



1. The development is located within an area in which the Fauquier County Water and Sanitation Authority formally refuses in writing to extend sewer service or the applicant demonstrates to the Board that the provision of public sewer is not technically or financially feasible in the area to be served, and

2. Where the proposed subdivision lots are to be on individual septic fields, the applicant includes with the special exception application a soils report demonstrating that the development will not degrade ground water resources or impair any watershed, and that the proposed subdivision will meet all requirements of the Health Department and the Subdivision Ordinance for development on individual septic fields. The applicant shall provide sufficient data to demonstrate that the development will not jeopardize the safety of present or future water supplies and information regarding the topography, soil type and condition, surface and subsurface drainage condition, water table, history of failures of septic systems in adjacent areas, and the extent of septic system development in the area, or

-

3. Where the proposed subdivision lots are to be served by a private central sewer system, the applicant has demonstrated that:

-

a. The site characteristics are such that all necessary health department and other governmental approvals can be obtained.

-

b. The development will not degrade ground water resources or impair any watershed.

-

c. The applicant has sufficient financial resources and a business plan to insure the successful operation of the system for a period of at least ten years, and that the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.

d. A special exception is obtained for the private treatment facility in accordance with Section 5-2000.

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5-3100

Standards for Waiving Requirement for Public Water System and Central Water System.

The requirements of Section 7-501 and 7-502 for a public water system and central water system may be waived to permit construction on a private central water system or individual wells on individual lots where:

-

1. The Fauquier County Water and Sanitation Authority refuses in writing to operate the proposed system or the applicant demonstrates to the Board that the provision of a public or central water system is technically or economically infeasible.

-

2. The applicant demonstrates that the proposed central water system or individual wells on individual lots will not damage the wells of adjoining parcels or interfere with future development of adjoining parcels. This demonstration will be based on the results of a hydrogeological report and testing as outlined in Chapter 18 of the Subdivision Ordinance.

-

3. Where a private central water system is proposed, the applicant has sufficient financial resources and a business plan to insure the successful operation of the system for a period of at least ten years, adequate provisions will be made to provide for the continued successful operation of the system, and the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.

#### **IV. Amendments to Article 7**

##### **ARTICLE 7**

**OFF-STREET PARKING AND LOADING, ~~PRIVATE~~ STREETS, water and sewer**

Delete Current section 7-301 and rewrite as follows:

## PART 3

## 7-300

## PRIVATE STREETS

## 7-301

Applicability

Except as qualified in the Subdivision Ordinance, Type I and Type II private streets are permitted in Commercial and Industrial zones. Private streets are prohibited for residential subdivisions except under the following circumstances:

-

1. Type I private streets are permitted in the RA and RC zones. A special exception may be obtained in accordance with Section 5-2900 permitting the use of Type I private streets in any residential zone.

-

2. Type II and Type III private streets are permitted in the RA and RC zones only for those single-family divisions which are not defined as subdivisions in Paragraph 2-39 of the Subdivision Ordinance (i.e., large lot and family transfer subdivisions) and those subdivisions which qualify for administrative approval in accordance with paragraph 3-1 of the Subdivision Ordinance. A special exception permitting Type II or Type III private streets may be obtained in accordance with Section 5-2800 for other subdivisions in the RA and RC zones or in any residential zone pursuant to Section 5-2900.

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3. Resubdivision of substandard subdivisions in accordance with 10-205. See 10-205.3 for types of permitted private streets.

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## PART 4

## 7-400

## PUBLIC STREETS

7-400                      Design and Construction Standards for Public Streets

7-401                      Public streets shall be required for all development except as set forth in Section 7-301 above. Such facilities shall be designed and constructed to Type I standards meeting the minimum applicable requirements contained in Appendix C of the Code, the Subdivision Ordinance, and dedicated to public use unless a special exception waiving this requirement is granted in accordance with Section 5-2900.

PUBLIC water and sewer and central water

7-501 Public water requirement.

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7-502 Public sewer requirement.

Public sewer shall be required for all residential subdivisions, multifamily or townhouse development of 25 or more lots or units under the following circumstances:

-

A: Within the Bealeton, Marshall, New Baltimore, Opal, Remington and Warrenton service districts except in those areas designated as non-sewered and/or non-public water growth areas in the comprehensive plan.

-

B. Outside service districts in the R-1, R-2, RR-2 and V zones.

-

C. The requirement for a public water system may be removed by special exception pursuant to Sections 5-3000.

7-503

Central Water System Requirement

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Whenever a public water system is not required, a freestanding central water system shall be designed and constructed to serve all lots within a subdivision of seven or more lots, unless a special exception is obtained in accordance with the terms of Section 5-3100 of this ordinance.

In subdivisions in the RA and RC zones containing 25 or more lots, the required central water system shall be designed and constructed to provide adequate fire flows as determined by the Virginia Department of Health.

## V. Amendments to Article 15, Definitions

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### ARTICLE 15

#### ORDINANCE STRUCTURE, INTERPRETATION AND DEFINITIONS

~~**OPEN SPACE, NON-CONTIGUOUS:** That open space that is designed and~~

~~set aside in accordance with the provisions of Part 7 of Article 2 that is not immediately adjacent to the development with which its creation is associated.~~

**OPEN SPACE:** That area provided in conjunction with the development of a lot that is intended to provide light and air and is designed for the purpose of preserving scenic, natural or historic resources, for the adaptation of a use into its surroundings, for recreational purposes or any combination thereof. Some or all of such open space may be available for entry and use by the residents or occupants of the development or by the public.

Open space may include, but need not be limited to, lawns, decorative planting, walk-ways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, water courses, ponds, pastureland, cropland and woodland. Other uses included in NON-COMMON OPEN SPACE are listed in the definition thereof. For the purpose of this Ordinance, open space shall include and be qualified as COMMON OPEN SPACE, DEDICATED OPEN SPACE, NON-COMMON OPEN SPACE ~~and NONCONTIGUOUS OPEN SPACE~~, all as defined herein

-

~~**RESIDENTIAL DEVELOPMENT, MAJOR:** Other than that classified as~~



~~minor below:~~

~~-~~

~~**RESIDENTIAL DEVELOPMENT, MINOR:** Any development involving the creation of subdivided lots or dwelling units on any lot of record as of May 21, 1981, that does not exceed the following:~~

~~-~~

~~A. In the RC or RA zoning district:~~

~~Size of Lot (acres)      Number of Dwelling Units/Lots~~

~~-~~

~~0-9.99                      1~~

~~10-19.99                  2~~

~~20-34.99                  3~~

~~35-54.99                  4~~

~~55-205                      5 plus one for each additional 25 acres  
over 55 acres~~

~~over 205                    11 plus one for each additional 50 acres over 205  
acres~~

~~-~~

~~or~~

~~-~~

~~B. In the RR-2, Village or the R-1 zoning district which is not adjacent to a service district involving the creation of six (6) subdivided lots or dwelling units.~~

~~-~~

~~or~~

~~-~~

~~C. In the Warrenton service district including adjacent R-1 or Village zoning districts the creation of one hundred (100) subdivided lots or dwellings.~~

~~-~~

~~or~~

~~-~~

~~D. In a service district, excluding the Warrenton service district, including the adjacent R-1 or Village zoning districts the creation of fifty (50) lots or dwelling units.~~

Add new definition:

**RESIDENTIAL DEVELOPMENT:** Any development involving the creation of subdivided lots or dwelling units on any lot of record as of May 21, 1981

## VI. Amendments to Subdivision Ordinance

### *4-11 Sanitary Sewer and Water*

Except for agricultural lots meeting the requirements of Section 4-11(4) below no subdivision shall be approved where individual water and/or septic tank systems are to be used until written approval has been secured from the Health Director, and where required by the provisions of the zoning ordinance, a special exception has been obtained permitting development of the parcel on individual septic tank systems and/or individual wells. The Director or his agent shall determine the suitability of soil for the use of septic tank systems with sub-surface disposal and shall not approve such subdivisions when satisfactory service is not reasonably anticipated. The Health Director or agent shall evaluate sub-surface disposal areas based on required soils studies, and requirements of Fauquier County Sanitation Ordinances and the Sewage Handling and Disposal Regulations.

Where lots are created requiring sewage effluent pumps as a component of the conveyance system for the primary disposal field or its repair, the final plat of any subdivision subject to such effluent pump requirement shall have boldly printed thereon the words "**EFFLUENT PUMP REQUIRED**" and reference made to the lot numbers of the lots subject to this requirement.

#### 1) General Requirements

A) Notwithstanding any other provisions of this ordinance or the Zoning Ordinance, subdivisions of lots greater than one-half acre in size, and less than one acre in size, shall be served by a central water system, provided that the requirements of the Health Department and paragraph 9-12.13 of this Ordinance can be met. Lots less than one-half acre in size shall be served by central water and sewage systems. All lots in a the subdivision approved for in which central water and/or sewer are required shall be served by said

system and deed restrictions to ensure same shall be required. Where a new or unapproved source(s) of water is involved in a proposed central water system, the source must be tested for quality and quantity impacts prior to submission of the final plat. Such tests shall include all those required by the Virginia Department of Health and the Water and Sanitation Authority. A detailed hydrogeologic report including descriptions of any on-site investigations and support materials shall be submitted. The hydrogeologic report must be prepared by a geologist or hydrologist certified in the Commonwealth of Virginia and it shall include the characteristics and extent of the aquifer utilized and the effect of pumping required to serve the subdivision on surrounding wells and the optimal yield of the aquifer.

B) Any person contemplating the construction of a public central water and/or sewerage system shall, by the time final subdivisions plans, profiles and specifications are submitted, have agreed by written contract approved by the Fauquier County Water and Sanitation Authority, that the water and/or sewerage system shall become the property of the Water and Sanitation Authority. Said system shall be constructed in accordance with Health Department and Water and Sanitation Authority requirements. Any requirements of the Water and Sanitation Authority, in a system, over and above that required to serve the needs of the proposed development shall be reimbursed in accordance with the Water and Sanitation Authority regulations.

C. Plans, profiles, and specifications for central water and/or sewerage systems approved by the Water and Sanitation Authority, Virginia Department of Health, and/or State Water Control Board shall be submitted with the final plat of such subdivision. Where the Health Department or Water Control Board is required to review and approve water and/or sewerage plans, such approvals shall be submitted to the Water and Sanitation Authority prior to the review of the plans by the Authority.

~~D. If the Authority declines to agree to accept proposed central water and/or sewerage system and provide service,~~ Wherever a private central water or sewer system is permitted said system(s) shall be ~~deeded~~ deeded to a homeowners association, with every lot owner a member, established as a non-profit corporation duly authorized under the laws of Virginia. The developer or owner shall present a plan including proper agreements and covenants running with the land acceptable to Fauquier County, for the development and maintenance of the system(s). The members of such non-profit corporate ownership shall be the owner of the system(s) and said system(s) is to be held and maintained for the owners of said subdivision lots. Covenants shall provide that the assessments, charges and cost for the maintenance of the system(s) shall constitute a pro rata lien upon the individual lots of the

subdivision, inferior only to taxes and bona fide deeds of trust on each lot. Said system shall be constructed in accordance with Health Department ~~and Water and Sanitation Authority~~ requirements.

~~Plans, profiles, and specifications approved by the Water and Sanitation Authority in accordance with the provisions of subsection 1(B) above shall be submitted with the final plat of such subdivision. Any requirements of the Water and Sanitation Authority in a system over and above that required to serve the needs of the proposed development shall be reimbursed in accordance with Water and Sanitation Authority regulations.~~

2) ~~Additional Requirements - Service Districts, Residential Districts and Villages~~

A) In the Bealeton, Marshall, New Baltimore, Opal, Remington and Warrenton service districts except designated Non-sewered or non central water Growth Areas, all proposed residential subdivisions, multifamily and townhouse development shall be served by public water and sewer except where otherwise authorized by special exception. ~~In service districts all development shall be designed in such a manner as to be compatible with existing or planned utility systems so as not to hinder the efficient development of the service districts or the County's ability to provide services in a cost effective manner. (Amended by Board of Supervisors on January 17, 1995.)~~

~~Within any designated service district, any subdivision where public sewer is not reasonably accessible at the time of subdivision and drainfields are to be utilized shall be configured and constructed in a manner which insures, to the extent possible, the feasibility of future provision of sewer service. In order to accomplish this the preliminary plat of subdivision shall be submitted to the Fauquier County Water and Sanitation Authority for review and comments regarding configuration of lots, provision of easements for sewer lines, and construction of sewer lines, if warranted, to the specifications recommended by the Authority. The Authority may make, for consideration by the Planning Commission, recommendations regarding lot configuration, provision of easements and construction of sewer lines. (Amended by Board of Supervisors on January 17, 1995.)~~

~~B) Where public water and/or sewer service is reasonably~~

~~accessible, such service shall be extended to all lots within a subdivision by the developer. The extension of such service shall be in accordance with the requirements of Section 15.1 466(j) of the Code of Virginia and the Rules and Regulations of WSA, Town of Warrenton, Town of Remington, or Marshall Water Works, whichever is applicable.~~

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~~BE) Where public water is not reasonably accessible, a freestanding system shall be designed and constructed to serve all lots within a subdivision of seven or more lots. Such~~ Any freestanding private system permitted by this Ordinance or the Zoning Ordinance shall be designed to the standards of the Virginia Department of Health and the Fauquier County Water and Sanitation Authority. Such systems shall be designed and constructed to provide adequate fire flows as determined by the Virginia Department of Health where the number of lots is twenty or more. Where the number of lots is from seven to nineteen the distribution lines shall be sized to provide adequate fire flows. All necessary easements and deed restrictions shall be provided requiring all lots to connect to the public water system when said system is extended to the subdivision. ~~Subdivisions of six or fewer lots may be served by individual wells.~~ All lots shall have all necessary easements platted and deed restrictions requiring lot owners to connect to public water when it becomes available

~~For purposes of this Section, seven lots or more shall be cumulative and shall include resubdivision or any addition to an existing subdivision.~~

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### ~~3) Additional Requirements Rural Areas~~

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~~Except where a waiver is granted by the Planning Commission in accordance with Section 4-27, a central water system shall be required in the RA zone as follows:~~

-

~~A) Where the subdivision contains twenty-five (25) or more lots of one acre or greater, the subdivision shall be served by a central water system designed and constructed to provide adequate fire flows as determined by the Virginia Department of Health.~~

~~B) Where a subdivision contains fewer than twenty-five (25) lots of one acre or greater, the subdivision shall be served by a central water system unless:~~

~~1) The subdivider can show that the soils and parent~~

~~materials are such that waste disposal methods for the entire tract are satisfactory to the Health Director and that no well pollution or groundwater contamination can occur from the proposed layout, or~~

~~2) The proposed lot layout can be designed to accomplish the provisions of (1) above~~

#### **4-14      *Public Water and Sewer***

Where public water and/or sewer service is ~~reasonably accessible~~ required, such service shall be extended to all lots within a subdivision by the developer.

#### **4-27      *Variations and Exceptions***

Whenever because of unequal size, topography, or shape of the property or other unusual condition not resulting from the developers deliberate act, a strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the developer, or wherever standards for waiver of specific provisions of this ordinance by the Planning Commission are set forth, the Planning Commission, ~~governing body~~ may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with implementing the Comprehensive Plan of Fauquier County. The procedure for requesting such variation or modification shall be as follows:

a. At the filing of the preliminary plat of subdivision, the subdivider shall submit a list of all waivers requested and a detailed justification statement demonstrating that all requirements of this section and any applicable waiver standards are met.

b. The request for waivers will be presented to the Planning Commission at the same public meeting at which the preliminary plat is considered by the Planning Commission, and public comment will be permitted at the meeting.

c. The waiver requests and action of the Planning Commission with respect to the waivers will be transmitted to the Board of Supervisors in accordance with Section 9-7 of this Ordinance.

#### ~~6-6~~ ~~*Rural Accessway*~~

-

~~A travelway designed as an accessway to subdivisions containing lots having an area in excess of 5 acres and an average daily traffic count of 0-250. If it is necessary to construct a new street to serve an area divided into 5 acre lots, such streets shall be constructed as a Type A Rural street in accordance with the current County construction specifications and standards as the minimum allowable. The minimum right of way is 50 feet. Where problem soil conditions exist in the opinion of the agent, or upon recommendation of the Virginia Department of Transportation Resident Engineer for Fauquier County, the usual 6 inches of compacted aggregate base required may be increased as deemed necessary by the governing body or the Highway Engineer.~~

-

### ***SECTION 8 - SPECIAL AREA REQUIREMENTS FOR USE OF STREET***

#### ***STANDARDS***

##### ***8-1 Curb, Gutter and Sidewalk***

Curb, gutter and sidewalk in Service Districts, Residential Districts and Villages shall be required as follows:



- A) Combination curb, gutter and sidewalk shall be required along all public and private streets, accessways or service drives in subdivisions having lots containing 20,000 square feet or less in area, either conventional or cluster.

- B) Combination curb and gutter shall be required along all public and private streets, accessways or service drives in subdivisions having lots containing 20,000 square feet but less than 25,000 square feet in area, either conventional or cluster. In addition, sidewalks shall be required on streets, accessways, or service drives qualifying as local collectors or major collectors.
- C) Pedestrian trails shall be required along all public and private streets, accessways, or service drives qualifying as local collectors or major collectors in subdivisions having lots of 25,000 square feet, but less than two acres in area, either conventional or cluster. Trails shall be at least four feet in width and constructed of asphalt or other material acceptable to the County.
- D) Or as shown in the Comprehensive Plan.

All improvements required above shall be installed in accordance with typical sections as shown in standards 1A, 2A, 3A, or 4A in the Fauquier County construction specifications. Easements for future sidewalks and trails may be required by the Board of Supervisors.

Where the ~~Board~~ Planning Commission, following public comment as provided for in Section 4-27, determines the above requirements are not in keeping with the character of the area, do not serve the public interest, or that no pedestrian and vehicular traffic hazards will be created, the ~~Board~~ Planning Commission may waive or modify the above requirements.

### ~~8-3~~ ***Rural Streets***

-

~~All public streets, accessways, or service drives in subdivision having lots containing 5 acres or more shall be graded and paved in accordance with the typical sections as currently provided for in the Fauquier County construction specifications of streets as designated and shown as Type A Rural.~~

### 9-13 *Additional Design and Performance Standards*

- A) In addition to the technical design requirements of this Ordinance, the following shall also be evaluated. Except for agricultural lots meeting the requirements of Section 4-11(4), should any of the following be deemed to exist, the development will not be approved unless the developer and/or the County can provide an adequate solution to remedy the problem in accordance with the requirements set forth herein.
- 1) The inability to provide a permanent means of sewage disposal acceptable to the Health Official and the County. The criteria for adequacy is as follows:
- a) Central sewer to be provided by the Fauquier County Water and Sanitation Authority.
- ~~b) Where county sewer is planned to be in existence in the next fifteen (15) years and the State Water Control Board has approved the plans, adequate trainable area to temporarily sustain the dwelling units with dry sewers installed, or where permitted an interim sewage treatment plant, package, or otherwise, capable of providing treatment until such time as county sewer is available. Adequacy of interim solution is to be determined by the Health Official. County sewer plans are to be determined by the Fauquier County Water and Sanitation Authority in conjunction with the Planning Staff.~~
- ~~c) Where county sewer is planned but not to be in existence for more than fifteen (15) years, sufficient trainable area to be provided for repair if needed. The adequacy of the area is to be approved by the Health Official. County sewer plans are to be determined by the Fauquier County Water and Sanitation Authority in conjunction with the Planning Staff.~~
- ~~bd) Where county sewer is not planned,~~Where construction on drainfields is authorized, sufficient drainfields and replacement area is to be provided to last the expected life of the dwelling units. The adequacy of the area is to be approved by the Health Department.

## ***SECTION 18-HYDROGEOLOGIC TESTING***

A hydrogeologic report is a detailed geotechnical report assessing groundwater quantity and quality. The hydrogeologic report shall be prepared by a Virginia certified professional geologist or a professional engineer licensed to practice in Virginia who has demonstrated expertise in hydrogeology.

### ***18-1 Central Water Supplies (Public Wells)***

#### **A) Applicability of Hydrogeologic Testing**

- 1) The hydrogeologic testing requirements and procedure must be conducted on any new residential subdivision consisting of lots less than one (1) acre in size in all zoning districts. In residential districts and villages, new residential subdivisions which have seven (7) or more lots, regardless of lot size, will require hydrogeological testing. This requirement may be waived by the Planning Commission in accordance with Section 4-27 of this Ordinance on the recommendation of the WSA where a public system is proposed. Where a private water system is proposed, these requirements may be waived on the basis of adequate engineering data demonstrating that the proposed water system will not adversely impact present or future water supplies and that testing is unnecessary or would create an undue hardship.
- 2) Any commercial or industrial subdivision that will extract more than 10,000 gallons/day
- 3) Any proposed development in a service district unless the requirement for hydrogeologic testing is waived by the Planning Commission in accordance with Section 4-27 of this Ordinance on recommendation of the WSA on the basis that testing is unnecessary or would create an undue hardship.

### ***18-2 Private Individual Wells***

A) Applicability of Hydrogeologic Testing

- 1) The hydrogeologic testing requirements and procedure for individual wells must be conducted on any new subdivision consisting of seven (7) or more lots less than ten (10) acres in size where individual wells are permitted, unless this requirement is waived in accordance with the provisions of Section 4-27 on the basis of adequate engineering data demonstrating that the proposed water system will not adversely impact present or future water supplies and that testing is unnecessary or would create an undue hardship.

**VII. Major deletions from zoning ordinance**

~~5-101 Additional Submission Requirements for Residential Development  
Major in Rural Zoning Districts (Only)~~

-

~~In addition to the submission requirements set forth in Section 011 above, all applications for Residential Development Major in Rural Zoning Districts shall be accompanied by the following uses:~~

-

~~1. The proposed name of the development (subject to review by the Zoning Administrator to prevent duplication).~~

-

~~2. The following existing features, to be shown on the scale drawing required in accordance with Section 5-011.2 (a total of six copies of which shall be submitted):~~

-

~~A. All structures.~~

-

~~B. Ponds.~~

~~-~~

~~C. Roads.~~

~~-~~

~~D. Fences.~~

~~-~~

~~E. Wells and any other water and/or sewerage facilities.~~

~~-~~

~~F. Forest cover, indicating types (e.g., pines, mixed hardwoods, etc.).~~

~~-~~

~~G. Current uses of various areas of the tract (e.g., pasture, woodland, cropland, residential, etc.).~~

~~-~~

~~H. The various parcels of which the tract is comprised.~~

~~-~~

~~I. All easements and/or rights of way on the tract.~~

~~-~~

~~J. A drawing at a scale of 1 inch equals 660 feet, submitted in six (6) copies on sheets not larger than 30 inches by 42 inches, showing the following items for all the land within 2,000 feet of the tract upon which the development is proposed:~~

~~-~~

~~A. Property lines (from tax records).~~

~~-~~

~~B. Names of current owners (from tax records).~~

~~-~~

~~C. Current names (delineating areas within parcels upon which different uses are conducted, e.g., pasture, cropland, woodland, residential, etc.)~~

~~-~~

~~4. A report, prepared by a soil scientist on the State Health Department's approved list, showing for the entire tract:~~

~~-~~

~~A. Suitability for septic drainfields:~~

~~-~~

~~B. Soils not suitable for construction of dwellings and roads (for reasons including poor drainage, plastic subsoils, soils underlain by pans, poor bearing qualities, etc.)~~

~~-~~

~~C. Highly erodible soils:~~

~~-~~

~~D. Probable aquifer recharge areas:~~

~~-~~

~~-~~

~~5. A schematic plan of the proposed development and a narrative explanation of the applicant's general intentions concerning the proposed development indicating:~~

~~-~~

~~A. The uses and facilities proposed, including housing types:~~

~~-~~

~~B. Roads and entrances to state roads:~~

~~-~~

~~C. Common and non-common open space:~~

~~-~~

~~D. The forms of ownership to apply to the various portions of the site and any~~

~~covenants or easements pertaining thereto.~~

~~-~~

~~E. The general location of items listed in A, B and C above.~~

~~-~~

~~F. Phasing Plan.~~

~~-~~

~~5-102 Standards for All Category 1 Residential Development Major~~

~~-~~

~~In addition to the general standards set forth in Section 006 above, the following standards shall apply:~~

~~-~~

~~1. The proposed use shall be compatible with the ability of the County to provide public facilities and services, in accordance with the adopted Capital Improvements Program and the fiscal management guidelines contained therein. Such facilities and services shall include schools, solid waste disposal, parks and recreation, libraries and general governmental services required on a per capita basis. Previously approved developments and future service district needs shall be taken into account. Any phasing plan proposed or agreeable to the applicant will be considered. In that capital expenditures are controlled by the fiscal guidelines contained in the CIP and public schools as well as other expenditures must be programmed within the limits of the CIP, public schools will be used as the standard for evaluation of the County's ability to provide public facilities and services. The standards for evaluating public school impact will be as follows:~~

~~-~~

~~A. The total student capacity of the system shall be determined by the School Board based on applicable federal, state and local guidelines. The capacity will be determined for each of five years of the CIP taking into account planned facilities for which a bond referendum has been passed. Capacity will be on a school year basis and will include facilities under construction slated for occupancy prior to January 1 of the school year. Temporary classrooms will not be considered in capacity determination.~~

~~-~~

~~B. The student membership for a given school year will be the average daily~~



~~membership for the month of May of the previous school year, as determined by the School Board. This membership will be increased to include forecasted increases during the school year as a result of previously approved building permits and subdivisions.~~

~~-~~

~~C. The difference between the capacity as determined in A above and the membership as determined in B above for the budget year shall be considered as available for allocation to development beginning at the July regular meeting of Board. It shall also include any capacity programmed to be on line in the first year following the budget year. The available allocation shall be reduced upon final plat approval of subdivisions which do not require a special exception. Previous commitments based on phased development shall also be considered in the allocation capacity determination. The remaining allocable capacity shall be allocated to major development based on the following:~~

~~-~~

~~(1) School age children per dwelling unit shall be as follows:~~

~~-~~

~~(a) Single Family, Detached 1.00~~

~~-~~

~~(b) Single Family, Attached .55~~

~~-~~

~~(c) Multi Family .27~~

~~-~~

~~(d) Mobile Homes .44~~

~~-~~

~~(2) If the available capacity is exceeded by applications, a maximum of ten percent of available allocations will be allocated to any one development application if allocation of more than ten percent would prevent any applicant from receiving his ten percent share. Subdivisions not requiring a special exception shall be given priority.~~

~~-~~

~~D. If the impact exceeds C above it shall be deemed excessive.~~



~~2. The proposed development shall have adequate, safe highway access as the State roads serving the site currently exist, as they would be improved in accordance with the current highway Six Year Plan, or as the applicant agrees to improve such roads at his expense. Road access shall be deemed adequate when secondary roads serving the proposed development are of width, grade, compaction, vertical and horizontal alignment, sight distance, and base such that the projected increase in traffic would not create or compound a hazard to public safety. Other factors such as flooding, railroad grade crossings and bridges will be taken into account as well. The standards for evaluation of adequacy shall be based on the following safe loading capacity determination:~~

~~-~~

~~A. Each secondary street upon which a development has an impact will be assigned a tentative loading capacity expressed in vehicles per day (VPD) by classifying it as follows, taking into account any planned upgrading contained in the first 3 years of the currently approved VDOT Six Year Plan for repair and upgrading of County secondary roads:~~

~~-~~

~~(1) Unpaved Lightly Surfaced, (VDH Class 3), 250 VPD~~

~~All Weather Surface (VDH Class 2) 400 VPD~~

~~-~~

~~(2) Paved Hard Surface~~

~~-~~

~~Width less than 16 feet 500 VPD~~

~~-~~

~~Width 18 feet or less 1250 VPD~~

~~-~~

~~Width 20 feet or less 3000 VPD~~

~~-~~

~~Width 24 feet or less 5000 VPD~~

~~-~~

~~Width over 24 feet Not Regulated~~

~~-~~

~~B. To determine the safe loading capacity, the tentative loading capacity will be reduced by the following amounts for the following reasons:~~

~~-~~

~~(1) Grades in excess of 10% occurring at a lesser frequency than one per mile 10%.~~

~~-~~

~~(2) Grades in excess of 10% occurring at a frequency of one per mile 10%.~~

~~-~~

~~(3) Horizontal or vertical curve(s) having less than 75% of the sight distance or curve radius as required by the VDOT 40%.~~

~~-~~

~~(4) Horizontal or vertical curve(s) having less than the required VDOT sight distance or curve radius, but which is greater than 75% of said requirement 20%.~~

~~-~~

~~(5) Unpaved travel way less than 18 feet (travel way determined by measuring from beginning of ditch slope or bridge rail to beginning of opposite ditch slope and subtracting 2 feet) 40%.~~

~~-~~

~~(6) Site distance inadequacy at intersection with primary or major collector 40%.~~

~~-~~

~~(7) Unguarded rail crossing 10% per train per day.~~

~~-~~

~~(8) Periodic flooding 10%.~~

~~-~~

~~C. To determine the safe loading capacity the percentages will be added, translated~~

~~to vehicles per day by using the tentative loading capacity, and subtracted from the tentative loading capacity will be 25 VPD.~~

~~-~~

~~D. The present vehicle count is to be determined by the Director by updating the current VDOT's survey to the present capacity by adding 7 VPD for each new dwelling constructed since the VDOT count was taken and 2 VPD for each unbuilt subdivided lot served by the secondary street.~~

~~-~~

~~E. The impact of the development will be determined at the rate of 7 VPD per proposed lot/dwelling.~~

~~-~~

~~F. If the development impact as determined in E above, when added to the present vehicle count as determined in D above, causes a total anticipated VPD to exceed the safe loading capacity as determined in C above, the impact of development shall be deemed excessive.~~

~~-~~

~~3. The proposed development shall not result in the unnecessary loss or degradation of natural resources, including prime agricultural and forestal lands; environmentally sensitive areas such as floodplains, steep slopes, rock outcrops and seasonally wet areas; prominent or unusual geologic features such as mountain peaks, caverns, gorges; areas critical to the existence of important types of flora and/or fauna. The standards for evaluating the impact will be as follows:~~

~~-~~

~~A. Natural resources, environmentally sensitive areas and unusual geologic features will be identified using the following criteria:~~

~~-~~

~~(1) **Prime Agricultural Lands** those soils which are delineated as Class I, II or III soils by the Soil Conservation Service, and other soils with slopes less than 15% which have comparable productive value as those rated Class III or better as delineated on the Fauquier County Soils Survey or based upon acceptable soils delineation study. See Appendix A for a list of soils.~~

~~-~~

~~(2) **Prime Forest Lands** those that are well suited for timber production (as~~

~~delineated by soil type on the Fauquier County Soil Survey or by acceptable soils delineation study) and which contain stands of timber which could qualify for use valuation taxation on the effective date of this Ordinance. See Appendix A for a list of soils.~~

~~-~~

~~(3) Floodplains as delineated in the overlay district or as revised based on acceptable detailed engineering studies.~~

~~-~~

~~(4) Steep Areas those areas containing slopes in excess of 25% as determined using current United States Geological Survey quads or as determined based on acceptable detailed engineering studies.~~

~~-~~

~~(5) Highly Erodible Soils as delineated by soil type on the Fauquier County Soil Survey or based on acceptable soils delineation study. See Appendix A for list of soils.~~

~~-~~

~~(6) Rock outcrops and seasonally wet areas as per site investigation.~~

~~-~~

~~(7) Prominent or unusual geological features per site investigation.~~

~~-~~

~~(8) Areas critical to the existence of important flora and/or fauna as per site investigation.~~

~~-~~

~~B. Natural features will be included in the open space unless the Board finds that doing so would not be appropriate regarding the site or would not allow the applicant to develop 50% of the otherwise allowable site density.~~

~~-~~

~~4. The Board shall take into account any scenic and/or historic resources that would be impacted by the development and may require that adverse impacts be mitigated. Standards for evaluating the impacts are as follows:~~

~~-~~

~~A. Site improvements including streets and lots shall take advantage of topography so as to mitigate adverse visual impacts and maintain, to the extent possible, the scenic qualities and/or historic resources.~~

~~-~~

~~B. Scenic resources shall include those areas with a 1 or 2 rating in the current visual analysis policy adopted by the Board by resolution.~~

~~-~~

~~C. Historic resources shall include those listed in the Comprehensive Plan.~~

~~-~~

~~5. The proposed development shall be sufficiently compatible in character and intensity with the existing uses in the neighborhood that it will not significantly jeopardize or infringe upon the continuation of such existing uses. The conflicts and potential, therefore, between major residential developments on one hand, and sparsely settled rural areas, particularly intensive agricultural production operation, on the other, shall be taken into account. A permit for a major residential development shall not be denied in a finding based solely on this paragraph if it can be shown that sufficient open space would adequately prevent undue change in the character of the area involved and sufficiently diminish land use conflicts between residential and agricultural uses. The general standards for determining compatibility of character and intensity will be as follows:~~

~~-~~

~~A. Lots of less than 10 acres, but a minimum of 2 acres, should be buffered from an Agricultural and Forestal District or an existing agricultural use.~~

~~-~~

~~B. Lots of less than 2 acres should be buffered from an Agricultural and Forestal District or an existing agricultural use. If possible the buffers should be at least 2,000 ft.~~

~~-~~

~~C. In no case shall the net site density be reduced by more than 50% solely as a result of the application of this Paragraph 5.~~





## RESOLUTION

A RESOLUTION TO ADOPT THE COMPREHENSIVE PLAN  
AMENDMENTS IN RESPONSE TO THE RECENTLY ENACTED  
SECTION 15-2 2288.1 OF THE CODE OF VIRGINIA (HB 2324)

WHEREAS, House Bill 2324 was enacted this year as Section 15-2 2288.1 of the Code of Virginia; and

WHEREAS, this state legislation prohibited localities from requiring, as a condition of approval for a subdivision plat, site plan or plan of development, or issuance of a building permit, that a special exception, special use, or conditional use permit must be obtained for the development and construction of residential dwellings at the use, height and density permitted by right under the Zoning Ordinance; and

WHEREAS, the Planning Commission conducted a public hearing on August 26, 1999 on the proposed amendments of the Comprehensive Plan; and

WHEREAS, the Planning Commission voted on August 30, 1999, to forward to and recommend that the Board of Supervisors adopt the referenced amendments to Chapters 6, 9 and 10 of the Comprehensive Plan as presented; and

WHEREAS, the Board of Supervisors, following a public hearing on September 7, 1999, finds that the proposed amendments to the Comprehensive Plan meets its intent and provides policy and implementation guidelines for the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September 1999, That the amendments to Chapter 6-Service Districts, Chapter 9-Public Facilities & Utilities, and Chapter 10-Transportation of the Comprehensive Plan are hereby adopted, including the identified refinements.

## COMPREHENSIVE PLAN

### **1. PAGE 6-1**

Current: Service districts are either currently served with public utilities or planned for future ~~services.~~

Revision: Service districts are either currently served with public utilities or planned for the future provision of some type of public utility in the form of public water, sewer or both.

**1. PAGE 6-2**

Current: Add new sentence.

Revision: However, portions of service districts may be designated to receive only one type of public utility where economic, physical or environmental considerations make the provision of all public services infeasible. Where this occurs, the portion of the service district which are not planned for public utilities are designated as “non-sewered” or “non-watered” growth areas as the case may be. While still part of the overall service district, these areas may be planned for substantially less growth and densities as the rest of the service district, but more than that found in the agricultural areas of the County.

**2. PAGE 6-2**

Current: Warrenton, Bealeton, and Remington are currently served by public water and sewer.

Revision: Warrenton, Bealeton, and Remington are currently served by public water and sewer, and Opal is served by public sewer.

**4. PAGE 6-3**

Current: Due to the extension of the planning period, almost twice that of the 1977 and 1987 Plans, three elements of the Plan needed to be addressed.

Revision: During the planning period, the Commission adopted the New Baltimore plan which recognized that some areas of the service districts were more appropriately served either only by water or only by sewer.

**5. PAGE 6-3**

Current: New sentence at end of paragraph.

Revision: As such, a fourth category consisting of those areas of service districts where it is feasible to provide water or sewer, but not both, needed to be identified and planned accordingly.

**6. PAGE 6-3**

Current: The time line established by these definitions directly reflects and incorporates the population forecast which is relied upon throughout this plan, as well as the anticipated availability of sewer and water capacity for the relevant time periods.

Revision: The time line established by these definitions directly reflects and incorporates the population forecast which is relied upon throughout this plan, as well as the anticipated availability of sewer and/or water capacity for the relevant time periods.

**7. PAGE 6-3**

Current: Phase I - Those areas which are planned to be served by water and sewer in the 1992-2000 time frame and ~~from~~ which ~~either~~ water and sewer capacity exists, or is anticipated to be provided within this Phase, to accommodate the population growth forecast.

Revision: Phase I - Those areas which are planned to be served by water and/or sewer in the 1992-2000 time frame and in which water and/or sewer capacity presently exists, or is anticipated to be provided within this Phase, to accommodate the population growth forecast.

**8. PAGE 6-3**

Current: Phase 2 – Those areas which are planned for sewerred growth in the 2000-2010 time frame for which water and sewer capacity is actively being planned to meet the anticipated population growth.

Revision: Phase 2 – Those areas which are planned for water and/or sewerred growth in the 2000-2010 time frame for which water and/or sewer capacity is actively being planned to meet the anticipated population growth.

**9. PAGE 6-4**

Current: New sentence after “areas of the Service Districts.”

Revision: It must be also be recognized that due to certain constraints, the cost-effective provision of water or sewer may not be possible which necessitates the redesignation or planning of the service districts.

**10. PAGE 6-4**

Current: The County and WSA intend to work together to achieve densities which will economically support the introduction of the water and sewer utility systems.

Revision: The County and WSA intend to work together to achieve, when appropriate and feasible, densities which will economically support the introduction of the water and sewer utility systems.

**11. PAGES 6-4 – 6-5**

Revision: ~~Therefore, it is the recommendation of this plan that in Phase I areas, residential developments that have been the subject of a rezoning to a density of greater than two dwelling units per acre subsequent to the adoption of this Plan, including planned residential developments providing densities of two dwelling units per acre or higher, shall not be required to receive a special exception as a major residential development, provided that the applications are consistent with the phasing plan and other elements of the Comprehensive Plan.~~

**12. PAGE 6-7**

Current: ~~Both the rezoning and special exception processes should be utilized to ensure timely development. Rezoning should be required for densities in excess of the lower end of the land use density ranges except when performance incentives are involved or where, by special exception, it can be demonstrated that infrastructure is sufficient to accommodate the growth.~~

Revision: The rezoning process should be utilized to ensure timely development. Rezoning should be required for densities in excess of the lower end of the land use density ranges except when performance incentives are involved.

**13. PAGE 9-4**

Revision: In accordance with the Comprehensive Plan's goals and objectives, public sewer should be made available to those properties located within the service districts where economic, physical, environmental or other limitations do not make public sewer infeasible.

-

#### **14. PAGE 9-5**

Revision: In accordance with the Comprehensive Plan's goals and objectives, public water should be made available to those properties located within the service districts where economic, physical, environmental or other considerations do not make public water infeasible.



**15. PAGE 9-20**

Current: The WSMP is not replicated in this chapter, but is incorporated by reference.

Revision: The WSMP is not replicated in this chapter, but is incorporated by reference except for those areas which have been designated as non-sewered or non-watered growth areas by separate provision of this Comprehensive Plan.

-

**16. PAGE 9-20**

Current: Add new sentence after “Water & Sanitation Authority.”

Revision: Deviations to the Water and Sewer Master Plan may also be required where economic, physical, environmental or other considerations arise which make public water and sewer infeasible.

**17. PAGE 9-20**

Current: In order to achieve the goals and objectives of the Comprehensive Plan which attempt to guide growth to the service districts, sewer facilities in the service districts are required.

Revision: In order to achieve the goals and objectives of the Comprehensive Plan which attempt to guide growth to the service districts, sewer facilities in the service districts are required except in those areas of the service districts where the provision of water and other public services may not be feasible due to economic, physical, environmental or other considerations that arise which make public sewer infeasible.

**18. PAGE 9-24**

Current: New sentence added after “association or a similar body.”

Revision: Experience has taught, however, that operation of these types of water systems by developers, homeowners’ associations, or similar bodies has often been problematic, and where possible, systems should be required to be placed in public ownership by the WSA.

**19. PAGE 10-2**

Current: Regulations within the Zoning and Subdivision Ordinances should be written so that future development ~~allows for sufficient right of way.~~

-

Revision: Regulations within the Zoning and Subdivision Ordinances should be written so that future development requires sufficient right-of-way and the construction of all roads in a manner which would permit the inclusion in Virginia Department of Transportation system of roads or highways.

**20. PAGE 10-6**

Current: Addition of "C"

Revision: C. Sidewalks to facilitate pedestrian access to commercial, retail, civic and other residential uses should be provided, except where the character of the area suggests otherwise.

**AMENDMENTS TO ARTICLES 3 AND 11 OF THE ZONING ORDINANCE REGARDING TELECOMMUNICATIONS TOWERS AND ANTENNAS**

A public hearing was held to consider amending Articles 3 and 11 of the Zoning Ordinance regarding telecommunications towers and antennas. Ann McCarty, Jim Stone, representing Citizens for Fauquier County, Alice Faulkner, representing the Goose Creek Association, John Alcott, Jolly deGive, Kitty Smith, Elizabeth Ford, Kathleen King, Gino Ballarin, Charles Steele, Andrew Hyman, and Ray Cultrera spoke in favor of the amendments. Merle Fallon, John Sinclair, Jonathan Roth, Davidson Scott, Norman Ray, Brian Buniva, Tom Carroll, Kevin Hetcher, and Michelle Rosatti spoke in opposition. The public hearing was closed. Mr. Weeks moved to adopt an ordinance amending Articles 3 and 11 as forwarded by the Planning Commission and modified by the Director of Community Development. Mr. Green seconded.

After discussion, Mr. Burton moved to table the motion to adopt until the end of the meeting in order to make modifications to the definition of wildlife management area. Mr. Weeks seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes:***                      ***Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum***

***Nays:***                      ***None***

***Absent During Vote:*** ***Mr. Joe Winkelmann***

***Abstention:***            ***None***

**SPECIAL EXCEPTION – HEARTH AND HOME DISTRIBUTORS, INC., OWNERS, AND  
COMMUNITY WIRELESS STRUCTURES, LLC, APPLICANTS**

A public hearing was held to consider a request for special exception approval for Hearth and Home Distributors, Inc., Owners, and Community Wireless Structures, LLC, Applicants, to allow for a twenty-foot (20') extension of an existing monopole. The property is zoned C-2, contains 0.9183 acre, and is located in the New Baltimore Business Park, PIN #7916-03-1403-000, Scott District. Tam Murray, representing Community Wireless Structures, LLC, and John Sinclair spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Weeks moved to postpone the decision until the October 18, 1999 meeting. Mr. Green seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum***

***Nays: None***

***Absent During Vote: Mr. Joe Winkelmann***

***Abstention: None***

**SPECIAL EXCEPTION – COLUMBIA GAS OF VIRGINIA, INC., APPLICANT – VIRGINIA  
POWER REMINGTON GAS PIPELINE**

A public hearing was held to consider a request for special exception approval for Columbia Gas of Virginia, Inc., Applicant – Virginia Power Remington Gas Pipeline to allow for the installation of approximately 7,000 linear feet of 16" steel gas pipeline to serve the proposed Virginia Power facility. The properties are located on the east side of Lucky Hill Road (Route 655) and south of Route 17, Lee District, PIN #6888-83-3857-000, #6898-41-0449-000, #6898-60-1979-000, #6898-60-8736-000, #6898-70-6437-000, #6897-89-2743-000, #6897-98-2656-000, #6897-78-8050-000, #6897-79-1057-000, #6897-69-1570-000, #6897-59-7889-000, #6897-69-5268-000, and #6897-59-0124-000. Tim Davey, representing Columbia Gas of Virginia, Inc., spoke in favor of the request. Jan Barbano spoke in opposition. The public hearing was closed. Mr. Mangum moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes: Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr.***

*David C. Mangum*

*Nays:* *None*

*Absent During Vote:* *Mr. Joe Winkelmann*

*Abstention:* *None*

## RESOLUTION

## A RESOLUTION TO APPROVE SPECIAL EXCEPTION

REQUEST #SE99-L-04

COLUMBIA GAS OF VIRGINIA, INC., APPLICANT

## VIRGINIA POWER REMINGTON GAS PIPELINE

WHEREAS, Columbia Gas of Virginia, Inc., applicant, wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the installation of approximately 7,000 linear feet of 16" steel gas pipeline and construct a metering regulation station to serve the proposed Virginia Power facility. The properties are located on the east side of Lucky Hill Road (Route 655) and south of Route 17, Lee District. (PIN #6888-83-3857-000, #6898-41-0449-000, #6898-60-1979-000, #6898-60-8736-000, #6898-70-6437-000, #6897-89-2743-000, #6897-59-7889-000, #6897-69-5268-000, and #6897-59-0124-000); and

WHEREAS, the special exception application of Columbia Gas of Virginia, Inc., applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with general standards for special exceptions as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of 5-2100 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on July 29, 1999, on this special exception application and on August 26, 1999, recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September 1999, That special exception #SE99-L-04, Columbia Gas of Virginia, Inc., (PIN #6888-83-3857-000, #6898-41-0449-000, #6898-60-1979-000, #6898-60-8736-000, #6898-70-6437-000, #6897-89-2743-000, #6897-59-7889-000, #6897-69-5268-000, and #6897-59-0124-000) be, and is hereby, approved subject to the following conditions:

1. The applicant shall secure any Federal or State permits that are required.
2. Site plan as required.

SPECIAL EXCEPTION – CHARLES E. DAVIS, OWNER/APPLICANT

A public hearing was held to consider a request for special exception approval for Charles E. Davis, Owner/Applicant, to install an aquarobic filter bed system. The property is located off of Sumerduck Road (Route 651), PIN #6887-53-1654, Lee District. No one spoke. The public hearing was closed. Mr. Mangum moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was 4 to 0 as follows:

**Ayes:** *Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum*

**Nays:** *None*

**Absent During Vote:** *Mr. Joe Winkelmann*

**Abstention:** *None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION

REQUEST #SE99-L-20 CHARLES E. DAVIS, OWNER/APPLICANT

WHEREAS, Charles E. Davis, Owner/Applicant, has filed a special exception under Category 20, Public Utilities, of the Fauquier County Zoning Ordinance to construct and operate an Aquarobic Filter System; and



WHEREAS, the special exception application of Charles E. Davis has been properly filed and all required notices of the public hearings have been properly made, and the Applicant has presented evidence both oral and documentary, and staff has filed a staff report, all indicating compliance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds more restrictive standards of Article 5-2000 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on July 29, 1999, on this special exception request and recommended approval subject to five (5) conditions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That Special Exception #SE99-L-20, Charles E. Davis, Owner/Applicant (PIN #6887-53-1654) be, and is hereby, approved subject to the following conditions:

1. This approval is for an Aquarobic Filter System only.
2. This system shall remain in compliance with all applicable state and local requirements at all times.
3. This system is granted for a period of five (5) years.
4. Should this system be found by the County Health Department to be failing at any time, operations shall cease.
5. A comprehensive monitoring and maintenance system shall be established between the State Health Department and the applicant. The County Soil Scientist and County Engineer shall be consulted and included in the maintenance program, as well as receive the quarterly maintenance reports submitted.

**SPECIAL EXCEPTION – MAURICE T. AND JOY R. YACOUB, OWNER/APPLICANT**

A public hearing was held to consider a request for special exception approval for Maurice T. and Joy R. Yacoub, Owners/Applicants, for a reduction in the 85% open space requirement in order to divide their property into two (2) parcels. The property contains 83.234 acres and is located on the west side of Atoka Road (Route 713), near Five Points, PIN #6072-13-8943-000, Scott District. Ben Jones, representing the applicant, spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Mangum seconded, and the vote for the motion was 4 to 0 as follows:

***Ayes:***                                ***Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum***

***Nays:***                                ***None***

***Absent During Vote:*** ***Mr. Joe Winkelmann***

***Abstention:***                    ***None***

**RESOLUTION****A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST****#SE99-S-24 REDUCTION IN OPEN SPACE – MAURICE AND JOY YACOUB**

WHEREAS, Maurice and Joy Yacoub, owners/applicants, are requesting special exception approval under Category 26 of the Zoning Ordinance for a reduction in open space; and

WHEREAS, the Special Exception Application of Maurice and Joy Yacoub has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5, Sections 5-2600 and 5-2601 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on July 29, 1999 on this special exception request and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 7th day of September 1999, That Special Exception #SE99-S-24, Maurice and Joy Yacoub (PIN #6072-13-8943-000) be, and is hereby, approved.

AMENDMENTS TO ARTICLES 3 AND 11 OF THE ZONING ORDINANCE REGARDING  
TELECOMMUNICATIONS TOWERS AND ANTENNAS

This item was tabled from earlier in the meeting. Mr. Weeks' original motion was to adopt an ordinance amending Articles 3 and 11 as forwarded by the Planning Commission and modified by the Director of Community Development. Mr. Green seconded. The vote for the motion was 4 to 0 as follows:

**Ayes:** *Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. David C. Mangum*

**Nays:** *None*

**Absent During Vote:** *Mr. Joe Winkelmann*

**Abstention:** *None*

ORDINANCE

AN ORDINANCE TO AMEND ARTICLES 3 AND 11 OF THE  
ZONING ORDINANCE TO ESTABLISH STANDARDS  
FOR TELECOMMUNICATIONS TOWERS AND ANTENNAS

WHEREAS, the Planning Commission conducted a public hearing on August 26, 1999, on the Zoning Text Amendments to Articles 3 and 11 of the Zoning Ordinance, entitled Standards for Telecommunications Towers and Antennas; and

WHEREAS, the Planning Commission conducted a public hearing on August 26, 1999, and, after public comments, voted to forward to and recommend that the Board of Supervisors adopt the referenced Amendments to the Zoning Ordinance; and

WHEREAS, the Board of Supervisors, following a public hearing on September 7, 1999, finds that the proposed Ordinance amendments provide better defined expectations for location, setbacks and design, and establish added performance standards and permit requirements needed for proposed telecommunications facilities; and

WHEREAS, the Board of Supervisors now wishes to adopt the Ordinance; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare or good zoning practice is satisfied by these amendments to the Fauquier County Zoning Ordinance; and

WHEREAS, by the adoption of this ordinance, pending telecommunication special exception applications filed prior to its effective date will not be subject to the provisions of this amendment; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 7<sup>th</sup> day of September 1999, That Articles 3 and 11 of the Fauquier County Zoning Ordinance, be, and are hereby, amended for Telecommunications Towers and Antennas in accordance with the following amendments that are attached hereto and made a part of this Ordinance.

**11-101**                    **Purpose.** The purpose of this ordinance is to establish the general guidelines for the site of personal wireless facilities, towers and antennas. The goals are ~~to~~:

(1)        Establish a hierarchy in the type, location and procedures for personal wireless facilities, telecommunication towers and facilities;

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(2)        The locations of personal wireless facilities and telecommunication towers, in excess of 80 feet, are permissible only when it is technically justified due to unique environmental and terrain features and technological constraints, which preclude personal wireless service within the height standards;

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~~(3)        The location of telecommunication towers and sites in residential areas should be discouraged;~~

(3) The joint use of new and existing telecommunication towers and facilities should be ~~strongly~~ encouraged;

(4)        The location of personal wireless facilities, with the exception of lattice towers and guyed towers, will be allowed in all zoning district categories, subject to specific siting and design guidelines;

(5)        The users of telecommunications towers and antennas should locate them, to the extent possible, in areas where the adverse impacts on the community are minimal;

- (6) The users of personal wireless facilities, telecommunication towers and antennas should configure them in a way that minimizes the adverse ~~and visual~~ impacts and visibility of these facilities;

- (7) To promote and maintain the following order of preference for location, siting and design:

- Location. The most preferred areas for personal wireless service facilities are those that have concentrations of employment and mature tree stands. The least preferred areas for personal wireless service facilities are in existing residential areas or natural resource areas.
- Siting. The most preferred siting for personal wireless service facilities are on existing structures where the facilities would not be highly visible and within trees with only the antenna arrays above the tree tops. The least preferred sitings are in open fields or areas, or on highly visible rooftops.
- The most preferred design for personal wireless service facilities will be on the shortest possible mount with dual-polarization or omnidirectional antennas. Monopoles with triangular platforms are next in preference, while guyed towers and lattice towers are strongly discouraged.

**Definition.** Telecommunication Use and/or Structure: A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services.

A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Amateur radio towers are not “existing structures” for the purposes of Section 11-102.1.a. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

- a. Antenna: any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations.



b. Monopole: a single, self-supporting pole type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. A monopole shall not be deemed a transmission tower.

c. Transmission Tower. A lattice type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio. New construction of lattice towers and guyed towers is strongly discouraged for personal wireless service facilities.

d. Commercial Mobile Services. These will include the following five services:

- Cellular;
- Personal Communications Services (PCS);
- Paging;
- Specialized Mobile Radio (SMR); and
- Enhanced Specialized Mobile Radio (ESMR).

e. Personal Wireless Service Facilities. These are facilities that support personal wireless services and shall include:

- A mount, often a pole, a roof or a wall.
- A base station, including equipment shelter or equipment cabinets.
- Antenna(s), usually in an array, but also possible as a single unit.

F. Mounts. The following are mounts for personal wireless facilities:

- Poles, including monopoles, utility poles and masts.
- Roofs, either of a building or a roofed structure, such as a water tank.
- Wall, either of a building or some other structure.

G. Height. When referring to a tower or other structure, the distance measured from the ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

**11-102**

**Telecommunications Use And/Or Structures.** The following performance standards shall be applied to telecommunication uses and/or structures, including amateur radio antennas.

1. **Antennas.** Structure mounted and roof top mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the specified zoning district.

- a. Antennas and related unmanned equipment are permitted by-right on an existing telecommunication monopole, tower or structure, with no increase in height, in all zoning districts subject to the performance standards outlined in this section. Increasing the height of an existing structure for a telecommunication facility must comply with the special ~~permit~~ exception process and zoning district locational requirements outlined in Section 11-102.2.a.
- b. Notwithstanding the height requirements in Sections 11-102.2.c and 11-102.3, antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public or quasi-public use, e.g., a water tower, or fire and/or rescue company.
- c. Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.
- d. When a personal wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public views. Personal wireless facilities which are side-mounted on a wall of a building or a structure shall blend with the existing building's architecture, and the panels shall be painted or shielded with material consistent with the design features and materials of the building. ~~Omnidirectional or whip antennas shall be of a material or color which matches the exterior of the building or structure.~~
- e. Directional or panel antennas shall be of a material or color, which matches the exterior of the building or structure.

f. No commercial advertising shall be allowed on any antenna.

g. Signals or lights or illumination shall not be permitted on any antenna, unless required by Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

h. The related unmanned equipment structure (s) shall not contain more than 500 square feet of total gross floor area per user on each site. Structures shall not exceed 12 feet in height. The structure shall be of a material or color, which matches the exterior of the building or structure.

i. If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.

2. Personal Wireless Facilities. These facilities are allowed in all zoning district categories by right, subject to meeting the following performance criteria. The applicant shall file a site plan with supporting documentation adequate to demonstrate that the following standards have been met:

a. Location. Any new personal wireless facility shall be located in areas that are:

(1) 1,000 feet or more from an adjoining property's existing residential unit, as well as a public highway, street or road, when the facility is located in an open field; or

- (2) 300 feet or more from an adjoining property's existing residential unit, when the facility is centered and surrounded by preserved woodland with a minimum radius depth of 100 feet;
- (3) 100 feet from the public highway, street or road, when the facility is centered and surrounded by preserved woodland with a minimum radius depth of 100 feet;
- (4) 5,000 feet from a federal, state or county park or wildlife management area. For purposes of this section, the term "wildlife management area" shall mean the Chester Phelps Wildlife Management Area and the G. Richard Thompson Wildlife Management Area, or any other geographical area within the county designated by the Commonwealth of Virginia as a wildlife management area; or
- (5) On a County, Fauquier County Water and Sanitation Authority or fire and rescue company site:
  - The personal wireless facility shall not interfere with any signal from existing equipment of the primary user; and
  - The setback provisions of this ordinance shall not apply.
- (6) Poles shall not be located along ridgelines, but downslope from the top of ridgelines, to protect views of the County mountains.

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- b. Siting. Any new personal wireless communications facility shall be placed in sites that are:

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- (1) Surrounded by wooded areas for at least 100 feet on all sides; or
- (2) On existing buildings when concealed within or

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behind existing architectural features, or shall be located so that they are not visible from public roads; or

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- (3) On existing structures, including already constructed or permitted guyed towers and lattice towers; and

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- (4) Existing trees within 200 feet of any facility shall not be removed, except as may be authorized to permit construction of the facility and installation of vehicular access.

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c. Design. New facilities shall meet the following criteria:

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- (1) Constructed no higher than eighty (80) feet from ground level to the highest part of the personal wireless facility, including ~~lightning rods and~~ all antennas;

- (2) Equipped with dual-polarization or omnidirectional antennas, or another antenna alternative identified at site plan, which would be more efficient at the proposed location;

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- (3) Co-location is permitted on existing structures and telecommunication towers;

- (4) Surrounded by a six (6) foot or higher security barrier, including a locked gate, for a ground-mounted pole and/or base station. For camouflaged facilities (e.g., a silo, with all components located inside the structure), an applicant can request this requirement be waived if all components are secured internally within the structure;

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- (5) Antennas: All antennas shall be of a material or color that matches the exterior of the building or structure;

- (6) No commercial advertising shall be allowed on any portion of the facility;

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- (7) Signals or lights or illumination shall not be permitted on any portion of the facility, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County, except for security lighting at the base station (100-watt);

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- (8) Fall zone criteria contained herein shall be met.

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- (9) Equipment shelters and cabinets:

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- Shall be designed to be architecturally consistent, with respect to materials and appearance, to the buildings within the area of the facility;
- If mounted on a rooftop, the equipment shall be concealed or camouflaged so that the shelter or

cabinet either is not visible at grade or appears to be part of the structure.

- (10) Any personal wireless facility located on, within or near a historic site, shall not alter the character defining features, distinctive construction methods, or original materials of the site.

3. Transmission Towers and Monopoles. ~~New telecommunications towers lattice towers and guyed towers and monopoles~~ are excluded from the following districts: RR-2, R-1, R-2, R-4, TH, GA, MDP, PRD, and V categories.

Lattice and guyed towers are discouraged, but are permissible uses at heights greater than 80 feet as a special exception and only under the circumstances outlined in Section 11-101(2) and this section. Lattice towers, guyed towers, monopoles and related unmanned equipment structure(s) may be developed as a special exception use, subject to the following criteria and guidelines:

- a. Zoning Application Category. ~~Telecommunication facilities including lattice towers or monopoles shall be permissible subject to approval through either a special exception or special permit, and to~~ New personal wireless facilities which cannot achieve the standards in Section 11-102.2 shall require special exception approval, subject to findings of fact based on the following criteria:

- Location: Due to topography, forested areas, and floodplain barriers, environmental factors provide, to an equal degree, adequate buffer and camouflaging to reduce the 1,000 foot setback from a residential unit;
- Siting: A new personal wireless service facility may be a pole that is sited outside of existing trees, or in an area surrounded by less than 100 feet of trees in all directions, if the design is mitigated or camouflaged in such a way to be less visible than if it were in the trees;



- Design: A new personal wireless service facility may be higher than 80 feet, provided that the omni-directional or dual-polarization antennas are no higher than 10 feet above the average tree top height; or
- Special Circumstances: A telecommunication tower facility up to 120 feet in height is permissible upon technical demonstration that environmental and topographical constraints, as well as available technology used, cannot provide acceptable service at a lower height. Such a facility needs to be designed to accommodate co-location; or

With the exception of emergency communication tower facilities, a personal wireless or telecommunication facility proposed in excess of 120 feet in height is an application of last resort. The applicant/carrier must technically justify that: (a) all existing structures, site and height alternatives have been exhausted; and (b) the facility proposed is at the minimum height, based on the best available technology, to adjust to the identified environmental and topographical constraints, for the established service carrier, and without the site at the requested height, service cannot be provided.

The applicant must submit, prior to special exception application, any telecommunication facility proposal, greater than 120 feet in height, to the Architectural Review Board (ARB) for review and recommendation. Its application review will focus on Sections 11-102.3.a (location and siting) and 11-102.3.b.14 (assessment of historic resources and Scenic Byways impacts), as well as the Comprehensive Plan. ARB recommendations shall be transmitted to the Community Development Director no later than 30 days after its scheduled meeting; otherwise, it will be deemed as a recommendation for approval.

Proposed monopole, lattice and guyed towers greater than 80 feet in height shall be located only in the RA, RC, C-1, C-2, C-3, I-1, I-2, CV or the PCID Zoning Districts. The performance standards are listed in Sections 11-102.2, 11-102.2.b and 11-102.2.c.

~~(1) **Special Exception.** Proposed towers and monopoles greater than 80 feet in height are subject to special exception approval, and must be located in RA, RC, C-1, C-2, C-3, I-1, I-2, CV or the PCID Zoning Districts.~~

~~(2) **Special Permit.** Proposed towers and monopoles that are 80~~

~~feet or less in height are subject to Special Permit approval and must be located in RA, RC, C 1, C 2, C 3, I 1, I 2, CV or the PCID Zoning Districts. Special permit approval for telecommunication facilities greater than 80 feet can occur in these districts when located.~~

- b. General Performance Criteria: All personal wireless or telecommunication facilities, whether permitted by right or permissible with the approval of a special exception or special permit application, shall be subject to the following submittal standards and criteria:

(1) Before proceeding to the zoning/building permit phase, new telecommunications towers and facilities are subject to the County site plan review and approval process.

(2) The proposed telecommunication tower or monopole, and associated uses and equipment shelters, shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility should be located in the interior of the property, and areas of existing vegetation, if applicable, shall be used to screen the facility.

(3) New telecommunication facilities greater than 80 feet in height shall be designed to accommodate ~~at least three (3) providers~~ co-location, complete with the engineering report attesting to that capacity, unless the Applicant is able to certify:

- (a) Doing so would create an unnecessary visual impact on the surrounding area; or
- (b) No additional need is anticipated for any other potential user in the vicinity; or

- (c) There is some valid economic, technological or physical justification as to why collocation is not possible.

The applicant shall identify the conditions under which future collocation by other service providers is permitted.

- (4) The height of new towers shall be limited based on technological need, type of facility location, and/or required permit approval.

- (5) Satellite and microwave dishes attached to towers and monopoles shall not exceed six (6) feet in diameter.

- (6) Any telecommunication facility and antenna located in a district or immediately adjacent to a district permitting residences shall be located to a height that is equal to or less than the distance from the base of the antenna, tower or monopole to the closest property line, (1) one foot setback for each (1) one foot of facility height. ~~Except as provided in Section 11-102.2.b(15)~~ Within and adjacent to districts not allowing residences, telecommunication towers or monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Associated structures and buildings, in both instances, may be constructed within the setback areas of the tower or monopole, however, they must meet all setback requirements for primary structures for the specific zoning district in which they are located.

- (7) Unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.

- (8) Unless otherwise required by the Federal Communications

Commission or the Federal Aviation Administration, towers and monopoles shall blend with the background.

- (9) No signals or lights or illumination shall be permitted on a tower or monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County. These structures must either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color to reduce visual impact.
- (10) No commercial advertising or signs shall be allowed on a tower or associated structures.
- (11) No tower or monopole shall be located within a County designated historic district.

- (12) Special exception conditions for approval, established by the Board of Supervisors, may include reasonable limitations on the time period upon which the commercial telecommunications use(s) cease, before the tower or monopole will be required to be removed. Removal is subject to the terms identified in 11-107.2. ~~A bond shall be required for the removal of an obsolete telecommunications facility.~~ The site shall be restored as closely as possible to its original condition.
- (13) Applicants for any commercial public telecommunication facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA.

A finding from the FAA that the proposed facility is not a hazard or obstruction to public and private aviation fields is necessary prior to the issuance of a zoning permit. Such a finding is required, if a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of the Warrenton-Fauquier Airport.

- (14) When locating on Fauquier County Water and Sanitation Authority, or fire and/or rescue company site: 1) the telecommunication equipment shall not interfere with the existing equipment of the primary use; and 2) the setback provisions of Section 11-102.2.b(6) shall not apply.

**In addition, the landscaping/buffering provisions of the ordinance may be reduced or waived if the site has been developed in accordance with Sections 11-103 and 11-104.**

Applicants proposing a new telecommunication tower or monopole within one (1) mile of a County designated historic district, historic resources designated within the Comprehensive Plan, or a Virginia Byway if a telecommunication facility is proposed on a property listed on the National Register of Historic Places, shall submit a

minimum of three (3) visual simulations and written justification as to why the facility could not be sited elsewhere.

- (15) Telecommunication towers or monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the County mountains.

- (16) Applicants shall submit documentation, in written and graphic form regarding the service area to be provided by the proposed telecommunication tower or monopole. This includes propagation maps demonstrating that these facilities, with collocation capabilities, are no higher in elevation than necessary.

- (17) An application must include a licensed carrier either as an applicant or co-applicant.

**c. Additional Submission Requirements.** In addition to Section 5-011.II, The following additional information shall be submitted by applicants for towers or monopoles which require special exception or special permit approval:

- (1) A map showing the ~~utility~~ telecommunication system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed facility use to the utility system.

- (2) A statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location of the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

- (3) Photo imagery or other visual simulation of the proposed telecommunication tower or monopole must be



shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

More specifically, a sight line presentation must be presented. A sight line shall be drawn from the three closest residential units included in the vicinity plan to the highest visible point on the personal wireless facility. If there are no residential units in the mandatory setback distance, reference 11-102.2a (1) and (b), the public rights-of-way will be used.

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Each sight line shall be depicted in profile, drawn at 1 inch equals 40 feet. The profiles shall show all intervening tree masses and buildings. In the event there is only 1 or 2 residential buildings on the vicinity plan, there shall be at least two sight lines from the closest habitable structures if any.

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Photographs: (1) 4 x 6 inch photograph from three perspectives demonstrating existing conditions, one sight line from each residential unit; (2) photosimulation from the same three perspectives with the proposed personal wireless facility included. If there are no residential units in the project area, then views shall be from the public rights-of-way.

- (4) Except for areas where permitted by right, an applicant for the proposed telecommunication facility must demonstrate that an antenna location on an existing facility is not feasible.

The County's objective is that no new tower/monopole shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower, monopole or structure can accommodate the applicant's proposed antenna.

The applicant shall evaluate through an engineering report the existing telecommunication facilities and structures ~~greater~~

~~than~~ 80 feet or greater in height within a one (1) mile radius of the proposed facility when located in a designated Service District of the Comprehensive Plan.

Elsewhere in the County, the applicant shall evaluate through an engineering report ~~these~~ the facility and structure locations, 80 feet of greater in height, within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining site feasibility.

Collocation may be determined not to be feasible in the following situations:

- (a) The planned equipment would exceed the structural capability of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
  - (b) The planned equipment will cause interference with other existing or planned equipment for that telecommunication facility, and that interference cannot be prevented at a reasonable cost;
  - (c) Existing or approved telecommunication facilities do not have space on which planned equipment can be placed so as to provide adequate service; and
  - (d) Existing and approved telecommunication facilities will not provide adequate signal coverage.
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- (5) In addition to those entitled to notice under the provisions of the Zoning Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties

whose owners are entitled to notice under Section 13-111, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowner associations and groups in the area.

(6) The carrier shall provide a copy of Form 600 on file with the FCC, and its FCC license (Radio Authorization Form).

(7) The application shall show relationship to other personal wireless service facilities, including those existing and proposed by the carrier/applicant. The nearest existing sites for other carriers in at least four directions (north, south, east and west), as well as those proposed by other carriers on file in Fauquier County and with VDOT.

#### 11-103

**Landscaping and Buffer Requirements.** The following landscaping and buffering requirements shall apply to all telecommunication facilities.

1. Security Fencing. Facilities shall be enclosed by security fencing not less than six (6) feet in height.
2. Landscaping. The telecommunications facility shall be landscaped with a mix of hedge and trees to screen internal communications buildings from adjacent properties. The standard buffer should consist of an area 10 feet in width outside of the fenced area. Plantings will comply with Zoning Ordinance landscaping requirements.
3. Existing mature tree growth and natural land forms onsite shall be preserved to the maximum extent possible. In special exception applications, the Board of Supervisors may determine that the natural growth surrounding the property perimeter may be sufficient as the required buffer.

4. Existing trees within 200 feet of the telecommunications tower or monopole shall not be removed, except as may be authorized to permit construction of the facility and installation of vehicular access.

**11-104**

**Modifications.** Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances, excluding approved special exception and special permit conditions. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accordance with the purpose and intent of this Section.

1. The Zoning Administrator may waive, reduce and/or modify buffer yard requirements if demonstrated that the topography of the lot providing buffer yard and the lot being protected is such that the required buffer yard would not be effective.
2. The Zoning Administrator may waive, reduce or modify buffer yard requirements for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.

**11-105****Maintenance.**

1. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.
2. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
3. Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

**11-106 Bond/Cash Deposit Requirements.** In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

**11-107 Removal of Abandoned Antennas and Towers**

1. Annual Report. The owner of each antenna or tower shall submit a report to the Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.
2. Antenna and Tower Removal. Any antenna or tower shall be disassembled and removed from the site within ninety (90) days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunications towers, fence footers, underground cables and support buildings. The buildings and foundation may remain with the landowner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

**11-108 Appeals.** Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in accordance with the provisions of Section 13-300.

**11-109 Planning Commission.** On any application for a telecommunication facility pursuant to Section 15.2-2232(F) of the Code of Virginia, the Planning Commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the Commission to act on any such application for a telecommunications facility under Subsection A submitted on or after July 1, 1998, within ninety days of such submission, shall be deemed approval of the application by the Commission, unless the Board of Supervisors has authorized an extension of time for consideration or the applicant has agreed to an extension of time.

The Board may extend the time required for action by the local Commission by no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the Commission.

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With no further business, the meeting was adjourned.